

**BOARD OF SELECTMEN  
MEETING MINUTES  
January 6, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:30 pm.

**Authorize Animal Control Contract – FY2010-FY2012.** Interim Police Chief Moran will check into whether Mr. Boardman has an umbrella policy on his vehicles as Mr. Boland felt that the amount of insurance listed on the contract was low. The contract will be brought back before the Selectmen when corrections have been made and funding has been approved at the Annual Town Meeting.

**Facilities Committee Update.** Postponed

**Hearing Continued – Abatement of public nuisance diversion of water onto Marlboro Road.** Karen Galligan, DPW Superintendant, and Steven Staneciezki were sworn in by Mrs. Kitchen. Ms. Galligan said that she and Mr. Staneciezki were not able to come to a resolution of the problem of the water from his basement sump pumps depositing on Marlboro Road. Mr. Staneciezki reiterated what he said at the previous meeting. Mr. Giorlandino explained that Mr. Staneciezki is casting blame on town officials for what is a private dispute and suggested that the parties involved work out some kind of amicable agreement. Mr. Staneciezki stated that he was only willing to bring a pipe to the corner of his lot. It was voted unanimously to continue the hearing to a later date and to forward the information to Town Counsel for mediation or recommendation of how to proceed.

**Projects update – Facilities Manager Phil Rinehart.** The Board and Mr. Rinehart went over the spreadsheet, provided by Mr. Rinehart dated 1/6/09, listing all of Facilities projects and where the projects and funding stand at this time. Mrs. Phaneuf commended Mr. Rinehart on the spreadsheet as it is easy to follow and understand. She informed him that anything not approved by the Board or Town Meeting should be brought before the Board for approval. Mrs. Kitchen said that Mr. Rinehart has done an incredible job since coming to work for the Town.

**Town Administrator Report.** The Open Space and Community Preservation Committee file cabinet is being moved to the Board of Health Office area.

**Other Business**

1. The Board voted unanimously to approve a 2% merit increase for Cynthia Foster, Asst. Town Accountant, with a new salary of \$20.88/hour effective 2/1/09.
2. The Board voted unanimously to approve a 2% merit increase for Naomi Magnoni, Library Assistant, with a new salary of \$17.11/hour effective 1/29/09.
3. After some discussion the Board decided to postpone discussion of the Police Chief Recruitment process until after Annual Town Meeting. The Board felt there were too many pressing issues right now to allow them to focus on this recruitment process.

**Consent Agenda**

1. The minutes of the December 16, 2008 meeting were tabled.

The Board voted unanimously to:

2. Accept a letter of resignation from Jean Infante, Library Assistant.
3. Accept a letter of resignation from Edward J. Hasbrouck from the Municipal Facilities Committee.
4. Place Jim Peltier on intermittent FMLA leave, effective December 23, 2008.
5. Accept a letter of intent to retire from Peter Johnson, Building Inspector, effective 2/13/09. It was recommended that a job description be forwarded to the BOS and that the search process be started. Mrs. Phaneuf would like to see some research on communities that share a Building Inspector.
6. Allow the Chairman [Boland] to sign the settlement agreement in the Spinelli & Sons Co. Inc v. Town of Southborough case.

Mrs. Phaneuf brought up for discussion:

- The pole on Parkerville Road at Fay School not being banded – it can't be seen in the dark
- Does the timing of the lights at Rte 9 and White's Corner need to be checked?
- She spoke with the Board of Health, and told them to also expect a call from Mr. Boland.
- Questions on the budget.
- Overdue tax collections.
- Discussion of non-emergency capital requests at a fall Town Meeting.

Mr. Giorlandino informed those present of the ZAC meeting tomorrow evening regarding redrafting of the town zoning by-laws.

#### WARRANTS

105	\$257,963.44	12/26/08	TOWN PAYABLES
106	\$34,245.62	12/26/08	CHAPTER 90
107P	\$489,494.34	12/26/08	SCHOOL PAYROLL
108P	\$254,783.94	12/24/08	TOWN PAYROLL
109P	\$6,778.08	12/24/08	MONTHLY PAYROLL
<b>TOTAL</b>	<b>\$1,043,265.42</b>		
110	\$50,626.38	1/2/09	TOWN PAYABLES
<b>TOTAL</b>	<b>\$50,626.38</b>		
111	\$715,695.20	1/9/09	TOWN PAYABLES
112	\$55,627.95	1/9/09	SCHOOL PAYABLES
113P	\$473,798.54	1/9/09	SCHOOL PAYROLL
114P	\$272,936.75	1/7/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,518,058.44</b>		

Meeting adjourned at 9:25 pm

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
January 20, 2009  
MCALIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

**Discussion with Ashland re: sharing Building Inspector.** John Petrin, Ashland Town Manager, and Ed Morini, Building Inspector, met with the Board. Ashland is interested in having an Inter-municipal Agreement with Southborough to share their building inspector as it would be a cost savings to both towns. A contract can be worked out once Ashland' Board of Selectmen approves the concept. Mr. Boland suggested that Mrs. Kitchen, Mr. Petrin and both Town Counsels get together to work out the details.

**Change Order Request – Consigli Electric.** Al Robinson, of RDK Engineers, and Paul Consigli, of Consigli Electrical Services, met with the Board. Mr. Consigli explained that the double pole switch had to be custom made, and that he was unable to get a price for it before he bid for the contract. The work has been completed and is functional. The Board voted unanimously to approve the change order in an amount not to exceed \$2,093.74, with the provision that \$400 be held back for landscaping issues.

**Triangle Park Project.** Nancy Vargas informed the Board that the MBTA Triangle Committee had voted unanimously at their December 8, 2008 meeting to recommend Bartsch and Radner Design, Inc. for landscape architectural services for the project. The Board voted unanimously to award the contract for landscaping of Triangle Park to Bartsch and Radner Design, Inc, in an amount not to exceed \$19,450. It was suggested that the contract be sent to Town Counsel for review.

**Historical Commission and Facilities Committee re: Police Station.** Both groups met with the Board to try and resolve differences in opinion as to what should happen to the existing building. The Historical Commission would like to see the building renovated and expanded while the Facilities Committee feels that the most cost effective plan is to demolish the old building and build a new Police Station.

**Quarterly Accounting Report and Budget Review.** Brian Ballantine, Finance Director, and Carla McAuliffe, Town Accountant, reported on income and expenses to date. The Board reviewed the Fiscal 2010 budget.

Town Administrator Report

- The Animal Control Officer contract has to go out to bid.
- Minor repairs are to be done to the Arts Center fire escape.
- Labor Counsel's contract is up and will be put on a future agenda.

**Other Business**

1. The DPW Administrative staff proposal was tabled.
2. The Board voted unanimously to approve the job description for Building Inspector as presented in the document dated 1/16/09 and with Town Counsel's changes incorporated.
3. The board voted 2-0 (Mrs. Phaneuf recused herself) to award the bid for the Fire Department Insulation Project to Steven Lahaye in an amount not to exceed \$5,400.
4. The Board voted unanimously to authorize the deficit spending of the Snow and Ice account.

**Consent Agenda**

1. Approval of the minutes of the December 16, 2008 and January 6, 2009 meetings was tabled.
2. Approval of the minutes of the Executive Session on December 16, 2008 was tabled.

The Board voted unanimously to:

3. Appoint Philip S. Rinehart, 51 Harding Street, Milford, MA 01757 to the Southborough Emergency Planning & Management Committee as Primary – Facilities Department Representative, for an indefinite term.
4. Appoint Philip S. Rinehart, 51 Harding Street, Milford, MA 01757 to the Americans with Disabilities Act Committee, term to expire June 30, 2009.
5. Appoint Philip S. Rinehart, 51 Harding Street, Milford, MA 01757 to the Workplace Safety Committee, term to expire June 30, 2009.
6. Accept the resignation of Stephen Theran from the School Building committee.
7. Accept the resignation of Peter Johnson from the Americans with disabilities Act Committee, Southborough Emergency Planning & Management Committee, the Workplace Safety Committee and as Sealer of Weights and Measures.
8. Appoint Interim Chief Jane Moran as Jail Keeper and Constable and to the Southborough Emergency Planning & Management Committee and the Workplace Safety Committee, to fill the unexpired term of Chief Webber.

**WARRANTS**

115	\$131,236.19	1/16/09	TOWN PAYABLES
116	\$1,480.00	1/16/09	CHAPTER 90
<b>TOTAL</b>	<b>\$132,716.19</b>		
117	\$422,476.78	1/23/09	TOWN PAYABLES
118	\$6,734.38	1/23/09	CHAPTER 90
119	\$7,098.90	1/23/09	CAFETERIA
120	\$23,522.28	1/23/09	SCHOOL ENC PAYABLES
121P	\$478,703.59	1/23/09	SCHOOL PAYROLL
122P	\$243,912.00	1/21/09	TOWN PAYROLL
123P	\$4,903.08	1/21/09	MONTHLY PAYROLL
<b>TOTAL</b>	<b>\$1,187,351.01</b>		

Meeting adjourned at 11:00 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN**  
**FEBRUARY 3, 2009**

Present: Bill Boland, Salvatore Giorlandino, Bonnie Phaneuf, Jean Kitchen, Town Administrator.

Facilities Department: This request relates to using some funding from the salary line to replace the smoke detectors at the police station. The transfer is in the amount of \$7,211. The Board adopted, and approved, this recommendation. The Board would like to use Harvard donations to replace the exhaust hood [and bringing it up to code] in the fire department kitchen, amounting to \$7,700. Mrs. Phaneuf wants to hear if the concerns in the past of the building inspector and fire chief were resolved. Repairing the heat in the fire chief's office, and that of his employee, would cost \$2,500. He'd like this to come from the article to pay for emergency building repairs. [not to exceed 2500 from the article] The Board approved expenditure from the emergency article. Mrs. Phaneuf asked what the Chief is using the Harvard funds for first before spending anything on the hood.

FY08 Audit: The Board met with the Town's Auditor, Bill Fraher, as well as the town treasurer and town accountant. Mr. Fraher reviewed the management letter and financial statements which he submitted. Mr. Fraher discussed with the Board beginning a risk assessment process.

Class II: The board considered a new Class II license for J&J Sons Development, 155 Boston Road. The Board noted conditions which have been added to the license, relating to parking on the site and signage. Mrs. Phaneuf commented that the letter from Kris Stapleton was not signed. The conditions can be placed right on the license. The Board voted to approve the license with the conditions spelled out by the Building Inspector and obtaining all required signatures.

FY10 budget: The Board continued their FY10 budget deliberations.

There are issues with the Algonquin assessment. This number may change our deficit substantially, upwards of \$400,000. Southborough is classified as a wealthier community and the state's formula for assessments takes this into account. It may be up to 10.5%, which is 6% more than we have allowed that budget presently. The Board agreed they must now consider personnel reductions [in hours, not jobs] and use of other funds. Mr. Giorlandino wants to preserve jobs over funding capital projects. The Board debated the following:

- Cut town hall boiler
- Reduce training and travel by 50%
- Pay for town hall copier from town house technology article
- Cut consulting engineers by \$9,000
- Cut Personnel Board by \$2,000
- Combining tax bills will save money in postage/printing
- Reduce DPW site remediation by \$15,000
- Cut disposal by \$15,000 as tonage is reduced

The Assessors will discuss the overlay account tomorrow. Snow and ice deficit budgeted for \$100,000 can potentially be transferred from the reserve fund. The Board stipulated there should be a hiring freeze immediately. Any hours that have been increased in the FY09 or FY10 budget should be rolled back. No overtime shall be permitted unless it is an emergency. Ms. Galligan recommended changing the transfer station hours since her staffing has been decreased at the transfer station. Can some departments stagger their staff or provide the same services with fewer people on at the same time? [COA, Library, Recreation] Can the Board of Health change their contracted services? The Board queried how certain services became salaried and not contracted? Tonage is down a little so Ms. Galligan said she could reduce this contract up to \$15,000.

The Board would like to hear more from the school department and the Board of Assessors before making additional reductions. The Board also recommended a wage freeze. The Board asked for figures on what this would amount to for all employees for FY10.

## **Other Business**

- Signed the revised Class I license for Volvo Construction Equipment
- Approve merit increase for Michael Osattin, Communications Officer. Approve 2% merit increase effective February 24, 2009. New amount: \$18.81, contingent on the evaluation being signed by the employee.
- Discussion of Labor Counsel rate was tabled.
- The Board voted to amend the traffic rules and regulations under heavy truck exclusions to now include Latisquama Rd. This reflects the state's approval of this change. The document will be prepared and signed at a later date
- The board opened the special town meeting warrant. The warrant will close on February 10, 2009.

## **Consent Agenda**

- The Board approved the minutes of December 16, 2008, January 6, 2009; January 20, 2009 and the executive session minutes of December 16, 2008.
- The board approved accepting a donation of \$145.00 for the Youth & Family Services department

## **Town Administrator Report**

- Ms. Kitchen told the Board that Mr. Butler from the Advisory Committee wanted to add an article for quorum. They did not meet the published deadline. The article will not go forward.
- The new website has been posted
- The MFC would like approval from the Board to advertise an RFP for the police station since it involves acquiring land and a building. This means we must have an article to purchase property.
- Most municipal departments will be reviewed by the Advisory Committee on Monday, February 9, 2009

## **WARRANTS**

126	\$496,495.15	2/6/09	TOWN PAYABLES
127P	\$482,380.49	2/6/09	SCHOOL PAYROLL
128P	\$239,508.33	2/4/09	TOWN PAYROLL
TOTAL	\$1,218,383.97		

The meeting adjourned at 9:30 p.m.

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator

**BOARD OF SELECTMEN  
MEETING MINUTES  
February 10, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Bonnie Phaneuf and Vanessa Hale, Assistant Town Administrator. Selectman Salvatore Giorlandino absent due to illness.

**Ladder Truck update**

Lt. James Colleary, Fire Department, informed the Board that the Ladder Truck Committee is ready to move forward with fund raising and would like to approach the private schools in town. Mr. Boland is concerned about a reduction in PILOT payments in favor of the ladder truck and feels that the schools should have a discussion with the Selectmen. Mrs. Phaneuf feels that the schools have the most to gain as they have residents/students in their buildings 24 hours a day.

**Continued FY10 budget deliberations.** The Board discussed the budget as shown on a spreadsheet dated 2/10/2009 4:19 PM. They do not have a solid budget number from Algonquin yet. It was decided to remove Article 12 and fund the items from a \$100,000 emergency funds article. There was a discussion as to the possibility of moving departments and closing some buildings. It is something that they may have to take a look at in the future. Currently, the Arts Council is fully subsidized by the Town but they may need to consider some funding adjustments since the space cannot currently be rented out by the Town to generate income. Savings can be generated by raising the health care percentage of contribution for employees and retirees. If the school department does the same the budget would be in balance. Mrs. Phaneuf asked Mr. Boland to draft a letter to the school department asking them to increase their percentage of contribution or \$128,000 (the savings that would have been generated) will be taken from their budget. If they do not agree cuts will have to be made in Youth and Family Services, Library, Board of Health, COA, Grounds, no state or federal mandates will be funded that are not funded by the state or federal government, library hours will be cut to 40 hours. Recreation will look at putting fees collected in a revolving fund. A letter will be sent to Advisory to inform them of the Board's decision.

**Other Business**

The Board voted unanimously to:

1. Disclose under Chapter 268A Section 19 – Jean Kitchen re: membership on the Board of Directors of the MIIA Property and Casualty Group, Inc.
2. Appoint William Farnsworth, Interim Building Inspector and Zoning Enforcement Officer, effective February 14, 2008 until a new Building Inspector is appointed. Approve moving \$3,000 from Building Inspector Salary to Building Inspector contracted services.
3. Place Scott Henderson on FMLA leave, effective February 5, 2009.
4. Place James Finneran on FMLA leave, effective February 6, 2009.

**WARRANTS**

129	\$134,858.40	2/13/09	TOWN PAYABLES
TOTAL	\$134,858.40		

Meeting adjourned at 8:55 p.m.

Respectfully submitted by Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
February 17, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Bonnie Phaneuf and Jean Kitchen, Town Administrator. Mr. Giorlandino was absent due to illness.

**Water Rates Hearing.** Karen Galligan, DPW Superintendant, explained that the rates were not distributed equally among users and that the Public Works Planning Board recommended changing the tiers. She explained the changes as presented in spreadsheets provided to the Board. Mrs. Phaneuf asked if they had looked at raising the connection fees. Ms. Galligan said that they had but there is so little building going on that it would not be worth it. Mr. Boland is concerned that they will be so successful at getting people to lower their water usage that it won't generate enough income. The Board voted unanimously to approve the recommended water rates, effective for the March billing.

**Retirees Health Insurance Percentage.** Mrs. Phaneuf recused herself. Mr. Boland explained that no vote could be taken this evening as Mr. Giorlandino is absent and Mrs. Phaneuf has recused herself so there is no quorum present. Mrs. Kitchen stated that they could save \$37,000 if the percentage was changed from 20 to 25. The regional schools have changed their plan design and the local schools are looking into it. Mr. Boland is disappointed that the schools still pay 20% and requested that they look at the contracts as it is not fair that the town side should pay for the schools in the budget. A 5% change on the school side would equate to approx. \$120,000 in savings. The Town will, at some point, have to look into joining GIC. They will also be looking into Section 18A for future retirees. Mr. Boland stated that he will not put retirees on 25% unless everybody is on it.

**Continue FY10 budget deliberations.** Mrs. Phaneuf suggested waiting until the School Committee has voted on their budget before commencing. She suggested taking the total sum of insurance out of the K-8 school budget. Mr. Boland said that the unions have been approached and they will consider wage reductions if everyone does it. He stated that they need cooperation from everyone. Mrs. Phaneuf pointed out that next year is going to be worse and that they need to look at contracted services and reducing departments by 2 hours, without anyone losing benefits. Mr. Boland would like to explore if people would be willing to reduce hours or get no raise. If not, they will have to make the difficult decision of reducing hours or cutting staff.

**Other Business**

1. The minutes for the February 3, 2009 meeting were held for a future meeting.

**WARRANTS**

130	\$365,056.02	2/20/09	TOWN PAYABLES
131	\$11,203.94	2/20/09	CAFETERIA
132	\$41,803.30	2/20/09	SCHOOL PAYABLES
133	\$10,581.61	2/20/09	SCHOOL ENC PAYABLES
134	\$179,109.67	2/20/09	SCHOOL PAYABLES
135P	\$483,404.78	2/20/09	SCHOOL PAYROLL
136P	\$239,477.16	2/18/09	TOWN PAYROLL
137P	\$4,903.08	2/18/09	MONTHLY PAYROLL
<b>TOTAL</b>	<b>\$1,335,539.56</b>		

Meeting adjourned at 8:45 p.m.

Respectfully submitted, Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
March 3, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:50 p.m.

**Art Center - Discussion with Arts Council.** Lynne McKay, Arts Council Chairman, presented the history of the council and the problems resulting from the elevator being taken out of service. Emily van Nort, Acting director, explained the programming and said that they have shortened exhibition length to three weeks to try and accommodate other uses of the space. The Board agrees that they do not want to see the building sold and would like to see the Arts Council investigate ways to help offset the cost of keeping the building open.

**Art Center Window Bid.** Phil Rinehart, Facilities Manager, explained the scope of the work and how it would be accomplished. There was a discussion as to the possible energy savings. The Board voted unanimously to award the contract for the window restoration project at the Arts Center to Whipple Construction, in the amount of \$71,614.00, with funding coming from Community Preservation funds.

**Dr. Gobron and School Committee re: School Budget.** School Superintendent, Dr. Charles Gobron, stated that the School Committee will be voting on their budget tomorrow evening. He explained some of the cuts that have been made to try and reduce the budget, including personnel reductions, increased parking fees, athletic fees and a reduction in health insurance costs when one of their providers dropped out and plans were redesigned. Mr. Boland applauded the regional schools for changing the health plan design but feels that there is an inequity in town as the Town employees will be seeing a change in plan design and an increase in percentage paid, while the K-8 schools have not agreed to any changes. Dr. Gobron said that the issue will be discussed at the next School Committee meeting. Dr. Gobron explained how the regional assessment is calculated. Mr. Boland feels that the method used is unfair to Southborough as the town's assessment has risen to 41% and is a burden on the Town. The capital budget for the schools was also discussed.

**Continue FY10 Budget Deliberations.** Mrs. Phaneuf said that \$74,748 could be saved by cutting hours, and listed the positions that would be affected if they decided to go that way. Mr. Boland suggested that all elected officials reduce their stipend by 20% and Mrs. Phaneuf countered by saying that she would give up all but \$100.00 of her stipend. Mr. Boland would rather take funds from the schools before cutting Town employees and stated that school staff had to understand that their decisions affect the Town side. The Town unions are willing to negotiate if the schools do likewise. It was voted to reduce the K-8 budget by \$119,454, from the benefits budget.

Mr. Giorlandino left the meeting before the Other Business and Consent Agenda items were discussed.

**Other Business**

The Board voted to:

1. Approve a 2% merit increase for Dawn Michanowicz, Assistant Town Clerk, with a salary of \$23.20/hr, retroactive to 12/27/08.
2. Approve a 2% merit increase for Tamara Hadley, Administrative Secretary, with a salary of \$19.97/hr, retroactive to 1/22/09.
3. Approve a 2% merit increase for Catherine Tarr, Administrative Secretary, with a salary of \$21.37/hr, effective 3/10/09.
4. Approve a 2% salary increase for Beth Rosenblum, Conservation Administrator, with a salary of \$23.20/hr, effective 3/3/09.
5. The Board's position on ATM and STM articles was held for the next meeting.
6. The Board does not approve of the Massachusetts State Lottery Commission placing a KENO TO GO monitor at Turnpike Food & Liquor, and voted to sign and send a letter of objection.

## **Consent Agenda**

1. The minutes from the February 3, 2009 and February 17, 2009 meetings were held for a future meeting.
2. The Board approved the appointment of Haley DiStefano, 80 Mt. Vickery Rd, to the Youth Commission, term to be determined.
3. The Board approved the appointment of the following Reserve Officers:
  - Ryan Caneen, 34 Macinstosh Lane, Leominster, MA, with a salary of \$14.73/hr.
  - Keith Nichols, 151A Providence Road, Grafton, Ma, with a salary of \$14.73/hr.
  - William J. Woodford, 506 Main Street, Bolton, MA, with a salary of \$14.10/hr.
4. The appointment of John Thorburn, 1 Wildwood Drive, as part-time Dispatcher was held for a future meeting.
5. The Board approved the appointment of Krista Hawley, 13 Fairview Drive, to ZAC, with a term to expire on 6/30/09.
6. The appointment of Peter Goodney, 5 Sunrise Drive, to the Municipal Facilities Committee was held for a future meeting.
7. The Board accepted a PILOT from Fay School in the amount of \$5,000.

### **WARRANTS**

138	\$2,626,987.65	2/27/09	TOWN PAYABLES
139	\$168,840.15	2/27/09	SCHOOL PAYABLES
140	\$261,973.91	2/27/09	SCHOOL PAYABLES
<b>TOTAL</b>	<b>\$3,057,801.71</b>		

141	\$355,032.50	3/6/09	TOWN PAYABLES
142	\$695.20	3/6/09	CHAPTER 90
143P	\$475,934.86	3/6/09	SCHOOL PAYROLL
144P	\$263,166.19	3/4/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,094,828.75</b>		

Meeting adjourned at 10:45 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MCAULIFFE HEARING ROOM  
MARCH 11, 2009**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

The meeting was called to order at 6:30 p.m.

**FY 10 Budget-** The Board continued their FY 10 budget deliberations.

Chairman Boland reviewed the budget noting that the Algonquin assessment was reduced lower than school's certified budget.

The Board agreed to request all employees take a 1% reduction in their salary—this would be a savings of \$50,656 for Town departments. If the schools participate it would be an additional \$118,000. This would be a 1% reduction of the COLA for all unions (not a step reduction) and SAP employees, but most would still get some increase. If the unions do not agree to take the 1% then it would be taken out of their budget [for police and fire their overtime budget would be reduced by the 1% salary reduction figure]. The Board voted to reduce all SAP wages and salaries for FY10 by 1%.

Mr. Boland noted that the K-8 school committee was meeting tonight and that they would discuss the 1% salary decrease as well as health insurance percentage.

Mrs. Phaneuf sees a dilemma because the Town will be \$600,000 short next year before budgets are drafted. Mrs. Phaneuf suggests waiting until after town meeting in filling the police chief position which could save money. Mr. Boland feels that the town should proceed with filling the police chief position. He noted that there is current savings with the vacant Sgt. Position (Sgt. Moran's position), and if Sgt. Moran gets the position that would leave a vacancy that could go unfilled, or if she receives the position, we would look at that dept. further. Mr. Boland felt that the longer we wait we will diminish the pool of applicants. Mrs. Phaneuf made a motion that we could save money with the difference in the two positions. Mr. Giorlandino supported delaying the search until after the town meeting, but didn't contemplate delaying until next year. Mr. Giorlandino reiterated he will not be part of process that does not include Ms. Moran as a Police Chief candidate. Mr. Giorlandino does support the motion to delay the search until next year. There was no second to Mrs. Phaneuf's motion.

John Butler of the Advisory Committee was hoping that the board could determine a date that both boards could meet. It was decided that the meeting of the Selectmen and Advisory would take place on March 19<sup>th</sup> at 6:30pm. Mr. Butler noted that they would take the Selectmen's input on the flat tax---i.e. more optimal allocation between depts. (i.e. distribution of cuts). Mr. Boland requested that instead of describing their

budget a services budget, they could call it level services. Mr. Boland requested some additional information regarding the advisory budget regarding the reductions they made to get to a flat tax.

Ms. Galligan asked if she could cut services equal the 1%? Mr. Boland, noted that he did not want to cut the level of services and that the 1% keeps the same level of service, still gives employees a raise, and will allow reductions next year through possible attrition. It shows that the Southborough employees realize what is going on in the economy/community. He commended unions for increasing their health insurance premium. Mr. Boland noted that if unions don't agree to the salary reduction then possibly their department budget would be cut by that amount. The 1% reduction would show the residents that the town employees are sympathetic to current economic issues and are trying to help the Town.

Mrs. Phaneuf made a motion to reduce Police by \$10,160, SEIU by \$8,529, DPW \$4,259, Fire, \$15,644, and recommend it comes out of overtime budget from DPW, Fire, Police and SEIU—if the union reject the 1% reduction—it is based on the employee's anniversary date. The motion was seconded by Mr. Giorlandino and voted unanimously.

Mr. Boland asked Ms. Kitchen to relay the discussion to Personnel Bd. and request that they reduce the non-union salary grid by 1%.

A letter will go out tomorrow to unions regarding the 1% reduction request.

**STM (draft)**

Article 1-Support

Article 2-Support

Art 3 support in principal

Art 4 support

Art 5 support

Art 6 support (change to \$20)

Art 7 send email to Advisory and David Coombs that the article is inadequate and that better language is needed by end of this week.

Art. 8-support

#### **ATM (draft 7)**

Art 1 support

Art 2 support

Art 3 support

Art 4 remove

Art 5 need personnel vote to change grid

Art 6 Budget

Art. 7 do not support

Art 8 remove and let town planner know that they can report under article 1

Art 9 remove

Art 10 support

Art. 11 remove

Art. 12-1. support

    2. support

    3. support

    4. take off

    5. Support

    6. Support—make separate article

        7. Support - make separate article

        8-12 take out

    13 support \$41,000

Art. 13 capital items

    1. Trottier roof and repairs---get confirmation from Superintendent to remove

    2. Trottier fire-support

    3. not support

    4. not support

    5. not support

    6. support

Art. 14-Technology: put \$205,763 in article—BOS support \$64,991 (and Advisory)

Art. 15- REMOVE UNTIL THE FALL-talk about under article 1

Art. 16-put in \$66,500 (Advisory recommendation)

Art. 17 put in \$10,000 (Advisory recommendation)

Art. 18 publish as \$1,000

Art. 19 Need clarification on article—check with town planner

Art. 20 Don't support – let Advisory know that the Selectmen are looking to remove that article and see if they agree.

Art. 21Ask Advisory for correct language by Friday

Art. 22 At Town Meeting

Art. 23 Take off

Art. 24 Support--Set aside-there is an extra zero in \$223,411.50

Art. 25 Art 30-all support

Art. 31 Support

Art. 32 Support

The Town Administrator was asked to clarify last year's article regarding the Nichols house. The Board wants to clarify all past year's articles that we can close out to fund the budget.

Motion to adjourn 8:55 p.m.

Respectfully submitted by Jean Kitchen, Town Administrator

**BOARD OF SELECTMEN**

**MARCH 17, 2009**

Present: Bill Boland, Salvatore Giorlandino, Bonnie Phaneuf, Jean Kitchen, Town Administrator.

Transfer Station Hearing: William Higgins is a Father with 3 kids, on reduced income, who visited the swap shop, not knowing he could not enter. He had previously been there with Richard Gillespie. The Board voted unanimously that the fine be suspended, as long as there are no future offenses a year from the violation.

Minutes: The Board voted to approve the minutes of February 3, 2009 as amended. The minutes of February 17 were approved. Selectman Giorlandino did not vote as he was absent from the meeting due to illness. The minutes of March 3, 2009 were approved.

License: The Board voted to rescind a license issued to J and J Wholesale. The license was issued at an earlier meeting. There was a vote to approve a license issued to J&J for a used car dealer to buy and sell second hand vehicles, according to MGL, Ch. 140 provisions, specifically asked on conditions listed on the license. Approved 3-0.

Municipal Facilities Committee: 3 residents are interested, Mrs. Phaneuf said she doesn't know any of them and wants to interview them. The Board agreed to do this after town meeting.

Televised meetings: The Town Administrator was directed to collate a list of concerns before cablecast could begin. Mr. Giorlandino discussed being respectful to the public and setting a proper tone. He does not wish to withhold anything from the public. Mrs. Phaneuf is worried that once statements are made, they can't be recalled and there is rarely an opportunity to correct misinformation.

Other issues:

- The Board noted that James Colleary was appointed to the board of State Board of Examiners of Electricians and congratulated him on his appointment.
- The fire dispatch console cannot be repaired; this will require asking for a reserve fund transfer. The last estimate is \$10,115. The Board approved asking for a reserve fund transfer for the amount required.
- The board directed town counsel fees to be funded from articles that are pertinent to pay for his legal services as is appropriate
- Mr. Giorlandino said he is concerned about the tone of e-mails [from town residents] discussing the proposed ladder truck and when it would be brought before the town. He felt the Board had been very supportive of the project, its funding and how the town would proceed.
- Mrs. Phaneuf said it is a great opportunity for the town to wait and see if the stimulus money may become available for the ladder truck or through other funding. This will be known prior to the September special town meeting. She recommends delaying this article until the Fall STM
- The ladder truck committee spoke to the board and thought they could have handled communication of information better.

State Delegation: The Board met with the new state delegation which included State Senator Eldridge and State Representatives Carolyn Dykema and Danielle Gregoire. Eldridge spoke about his committee assignments which deal with health insurance reforms, regional issues, municipal relief package, land use topics.

Budget: Ch. 70 will be level funded. Local aid and additional assistance is still unknown. \$990 million is for state stabilization in the stimulus monies. The Governor wants to backfill cuts in education. Special education monies will \$305,000 locally and \$213,000 regionally.

Dykema: Mass Highway funding can reimburse for sidewalks near the MBTA station.

Gregiore: Also will be meeting this week with the Ways & Means committee leadership on the budget. Also working on additional funding on the ladder truck and police station renovations. Having talks with the MBTA on signaling issues, new locomotives, repairs needed. The MBTA is being told CSX will allow them to make repairs on their own.

### **Legislative Priorities**

- Eldridge: local aid, local options taxes, ways to raise revenues, open space protection, e-waste to take back tv and computers, ethics reform, public transportation, economic development
- Gregoire: judiciary committee, consumer protection committee, liquor license issues, children and family issues, financial literacy curriculum bill re-filed, transportation reform
- Dykema: natural resources committee, agricultural resources in the area, innovative water resource management, veterans committee, community development and small business needs

### **Selectmen's Priorities**

- Toll increases are being put on the backs of metrowest residents
- Gas tax may be a good way to raise revenue to pay for highway infrastructure, but not for mismanagement while the MBTA doesn't deal with their own issues that need resolution
- Town needs help with getting more local aid; helping seniors stay in their homes and pay their taxes
- Ch. 70 funding – regional reimbursement issues are wreaking havoc with the funding formula pitting affluent and below average income level residents against each other
- A new bottle bill not helpful. The town is working very hard to increase its recycling rate and this will hurt that progress
- Gas tax should be earmarked for transportation, especially mass transit which is not funded properly
- Affordable housing should make veterans who have served a priority; family situations change and this issue should be revisited, develop sites into housing
- Tax increases burden senior citizens – 210 accounts in arrears this year, last year it was worth \$459,000; in December it was 188 accounts
- Want to see state cut more out of their budget as we have had to at the local level
- Not looking at the massive layoffs because we have been proactive with health insurance changes; the GIC is not feasible because of the need to impact bargain and the other strict restrictions.
- If the town appropriates money for a project that is listed as a stimulus priority, will that be removed from the list?
- The board also discussed whether or not to remove the article to buy a new ladder truck from the ATM warrant

Trench safety: Superintendent Galligan asked the board to consider a permit for trench safety, required by state statute.

The board approved the proposed form of the trench permit. The fee was set at \$50.00.

Master plan for DPW – this is a component of the comprehensive compliance evaluation. The plan includes water main improvements, painting water tanks, etc. Debt payments from the water reserves will fund some of these items. There was a motion to approve the schedule for the water master plan dated March 12, 2009, as submitted. Approved 2-0; Selectman Giorlandino recused himself as he has a DEP conflict on this project and was not permitted to participate.

Cordaville Hall: The dormers at the senior center are in need of repair and should be removed and replaced. The Board asked for more information before deliberating on whether the entire roof should be replaced, should the windows be re-glazed/replaced, is the skylight being removed, are the dormers being repaired or removed? This matter was tabled.

FY10 Budget: Mr. Boland spoke to all unions and asked them to consider a 1% wage reduction in FY10. Mrs. Phaneuf made a motion to accept budget as is printed. If the unions comply, the salary lines can be adjusted as needed. The Board approved a budget for FY10 Dated 3/17/09 with a total of \$43,265,652, \$418,552 to the positive. This motion was approved 3-0.

Town Administrator Report:

- Nichols House: writing a MOU on lease of property
- Energy management committee discussing performance contracting ideas, including an audit of facilities which may mean a re-allocation of funds if the audit comes up with adopted suggestions.
- NECC meeting was held regarding ladder truck assistance; following up with Fay School and Harvard University and other institutions
- Public safety departments met with a film company who want to do a project in Southborough

**WARRANTS**

146	\$604,646.16	3/20/09	TOWN PAYABLES
147	\$1,832.80	3/20/09	CHAPTER 90
148	\$9,284.97	3/20/09	CAFETERIA PAYABLES
149	\$354,184.89	3/20/09	SCHOOL PAYABLES
150P	\$492,463.65	3/20/09	SCHOOL PAYROLL
151P	\$242,008.40	3/18/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,704,420.87</b>		

The Board adjourned at 9:05 p.m.

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator

**BOARD OF SELECTMEN  
MEETING MINUTES  
March 24, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

**Building Inspector Interviews.** The Board interviewed each of the four candidates. All candidates are certified Building Inspector/Commissioners and none would have any conflicts-of-interest.

- Don Moquin is currently Assistant Building Inspector in the Town of Westborough, and has experience in structural design and engineering.
- Jon Metivier is currently Building Inspector for the Town of Acton, and has construction experience.
- Robert Lanciani has extensive experience as Clerk of the Works and Project Manager for some large scale building projects in surrounding towns, as well as 25 years experience with the Zoning Board of Appeals in the Town of Sterling.
- Davis Gusmini is currently a Building Official/Zoning Enforcement Officer for the Town of Natick, and has experience in the building and constructions trades.

**Lakefront Productions Inc.** The production company will be shooting scenes for an Adam Sandler movie at the Pilgrim Church would like to shut down part of St. Mark's Street for several days. The Board felt that they did not have enough information at this time and requested a written shooting plan.

Town Administrator report. The ATM warrant is going to the printer tomorrow, with 26 articles.

**Other Business**

1. The Board voted unanimously to appoint JoAnne O'Leary, 32 Henderson Street, Needham, MA 02492 to the Southborough Emergency Planning and Management Committee as Primary – Electric/Gas Liaison (NSTAR), and Timothy A. Fatcheric, 68 Hickory Drive, Princeton, MA 01541 as Alternate – Electric/Gas Liaison (NSTAR)
2. Meetings were set for March 31, 2009, April 21, 2009, May 5, 2009 and May 19, 2009.
3. The Board requested that the Facilities Manager go out to bid on the Cordaville Hall roof using each of the different configurations.

**Consent Agenda**

1. Approval of the minutes of the February 10, 2009 and March 17, 2009 was held to a future meeting.

**WARRANTS**

152	\$408,011.85	3/27/09	TOWN PAYABLES
TOTAL	\$408,011.85		

Meeting adjourned at 9:30 pm.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
March 31, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:40p.m.

**Town Report Dedication**

The Chairman welcomed the Webber family. The Town report this year is dedicated to Chief Bill Webber. He was truly a remarkable person. It is a permanent record of the Town's history. Kathy on behalf the family wanted to thank the Town. Bill enjoyed his time with the Town employees and he cherished his time working for the town. Thank you for keeping his memory alive. His family is proud of the way the town has honored him.

**Building Inspector**

There are 4 candidates. Mr. Boland feels we have 4 excellent candidates. He was most impressed with Mr. Gusmini from Natick, although all candidates were excellent. He had a lot of zoning and was head of the office when the commissioner. Motion by Mr. Boland for Mr. Gusmini. Mrs. Phaneuf recommends that the successful candidate have a 6 month probationary period. Ms. Phaneuf also recommends Mr. Gusmini. Mr. Giorlandino would like to thank all the candidates. Mr. Gusmini is the person to appoint to the position, based on Mr. Giorlandino's experience as a lawyer with land use and as a former member of the ZBA. Mr. Gusmini has the willingness to listen as well as the knowledge. Mr. Boland noted that any of the candidates would make a good inspector, but Mr. Gusmini rose to the top. Mr. Boland moved Mr. Gusmini as BI at grade 5 and authorize the chairman to enter into negotiations. Voted unanimously.

**REPORTS:** Town Administrator inquired as to who would be attending the StonyBrook Museum program on April 19—All the Selectmen will try to attend.

**Other Business**

1. Set June meeting schedule—June 2
2. Fire station range hood funding—Article 16 of 2008. Move to rescind vote to use Harvard donation and direct facilities manager that funds are available Article 16, 2008, voted unanimously
3. Town hall hours—Mrs. Phaneuf wants to return to regular hours. Mr. Giorlandino has heard from residents are dissatisfied that Town Hall is closed on Friday afternoon and he would not be opposed to going back to regular hours. Mr. Boland has not seen that much more business as he has seen on Friday afternoons. Last Friday Mr. Boland saw 3 people come to the door after noon, feels 8-7 is a long day. The move should benefit the Town and would not like to continue. Mr. Boland would like all departments to have the same hours. Hours will be 8-5 Mon.-Fri. with an hour lunch. To start the week of May 1(closest payroll period).

Send letter to Mr. Hubley to inform him that the Teachers have not yet determined whether to take a 1%. The Selectmen are unaware of the Teachers taking a position.

Meeting adjourned at 8:23 p.m.

Respectfully submitted,  
Jean E. Kitchen, Town Administrator

**BOARD OF SELECTMEN  
MEETING MINUTES  
April 21, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Vanessa Hale, Assistant Town Administrator.

**Discussion with Municipal Facilities Committee and Historical Commission.** The Municipal Facilities Committee reviewed the updated plans for the new police station, which includes demolishing the current building, with a cost estimate of \$7.27 million. The committee thinks that it would be best to wait until the new Police Chief is appointed so that she/he can have some input into the final design. Ms. Nancy Vargas prepared a plan for the Historical Commission, at no charge, that would add onto and renovate the current building. Ms. Vargas made the Board aware that the plan is copyrighted and was advised she needs to decide if she is going to release these plans for the Historical Commission to seek CPA funding under the administrative fees section. The Board did agree that the Historical Commission can seek these monies for schematic design. There was a discussion as to whose responsibility it is to have plans prepared and presented to Town Meeting. The Board would like the process slowed down so that the new Police Chief can have a say in it.

**Town House employees re: Town House hours.** The purpose of the trial was to see if there is any savings benefit from changing the hours. That benefit has not been realized. The Board is of the opinion that more people utilize the building on Friday afternoon than on Tuesday evening, and have had complaints about the change in hours. Employees feel that Tuesday evening is of more benefit to residents and that the change was not well advertised. They suggested extending the trial and trying to get the word out about the change. After discussion with those in attendance the Board voted unanimously to extend the trial period to after Labor Day, but stated that it comes down to what is best for the residents.

**Animal Control contractual services – award contract.** Animal control services were put out to bid and the only bid received is from Les Boardman, the current animal control officer. Mr. Boardman would like to raise the pick-up and boarding fees and have those fees paid directly to him, rather than the Town. The town by-laws would have to be changed in order to do that, and it takes a Town Meeting vote. The Board voted unanimously to award the animal control contract to Boardman Animal Control Service and to work to change the by-law.

**Approve and sign common victualler's license for Cumberland Farms, 365 Turnpike Road (new owner).** Kenneth Flint of Cumberland Farms explained that everything would stay the same as it is now, including the hours of operation which are 5:00 am to 11:00 pm Sunday through Saturday. Mr. Boland asked that they work to prevent tractor-trailer trucks from parking on route 9. It was voted unanimously to approve the transfer to Cumberland Farms.

**Triangle Committee update.** Nancy Vargas and landscape architect, Michael Radner, detailed the plans for Cordaville Park. They hope to have it put to bid by May 1<sup>st</sup> and the first phase completed by September 1<sup>st</sup>. The project will be funded by CPC.

**Lakefront Productions – schedule and contract.** Mark Fitzgerald and Charlie Harrington reviewed the parking plan and shooting schedule. They have arranged with several property owners to use their lots for parking and will hire police officers for traffic control. At a suggestion from Nancy Vargas they offered to donate some of the plantings to be used for the Cordaville Park project and, as requested,

they will leave the gazebo. The Board agreed to sign the contract after it has been reviewed by Town Counsel.

**DPW Superintendent – Framingham water easement update.** Southborough and Framingham have been trying to reach an agreement on how to handle some Southborough residents who receive water and sewer services from Framingham. They are currently being billed by Framingham but Framingham would like Southborough to bill those residents. That is a problem since Southborough does not have sewers. One Southborough resident would like to tie into Framingham water as he has a problem with his well. It was agreed that this is a matter for Town Counsel.

#### Town Administrator Report

- The Building Inspector starts on Monday
- Mrs. Kitchen received an email from Phil Rinehart, Facilities Manager, requesting \$823.00 for repair of the Town House heater, with funding to come from the maintenance article. The Board voted unanimously to approve the request.

#### **Other Business**

1. Recruitment of seasonal employees can start as funding is included in the budget.

#### **Consent Agenda**

1. The Board voted unanimously to approve the minutes of the February 10, 2009 meeting, as amended, and to approve the minutes of the March 17, 2009, March 24, 2009 and March 31, 2009 meetings.
2. Approval of the minutes of the March 31, 2009 Executive Session were tabled to a future meeting.
3. The Board voted unanimously to approve a 1% merit increase for Jean Johnson, DPW Administrative Secretary, with a salary of \$21.16 retroactive to January 2, 2009

#### **WARRANTS**

164	\$338,080.79	4/24/09	TOWN PAYABLES
165	\$147,642.33	4/24/09	SCHOOL PAYABLES
166	\$4,424.00	4/24/09	CHAPTER 90
167	\$2,489.14	4/24/09	CAFETERIA PAYABLES
168	\$98,100.08	4/24/09	SCHOOL PAYABLES
<b>TOTAL</b>	<b>\$590,736.34</b>		

Meeting adjourned at 9:25 pm.

Respectfully submitted,      Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
May 5, 2009  
MCAULIFFE MEETING ROOM**

Present: Bill Boland, Chairman, Salvatore Giorlandino, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:15 p.m.

**Police Chief search discussion.** The Board is in agreement that there should be a search committee and discussed what the makeup of that committee should be, and that any internal candidates should be finalists. There was a discussion as to the merits of using the Assessment Center and if there should be a residency requirement. The Board made it clear that the final decision rests with them. There were no votes taken.

**Stormwater Annual Report – DPW.** Mr. Giorlandino recused himself from this discussion and vote. John Woodsmall, Town Engineer, explained that this is the sixth year of the permit program and that the Town is required to submit this report annually to the DEP and EPA. It was voted 2–0 to allow the Chairman to sign the report.

**Award Contract for Police Department booking room furniture.** Interim Chief Moran and Phil Rinehart, Facilities Manager, explained that the furniture has to be custom made to fit the area. The Board voted unanimously to award the contract to Interior Design Projects as low bidder, in the amount of \$10,940.

Chairman, Board of Selectmen report.

- Representatives from Verizon reported the cable build-out would be completed by the end of the year.
- A meeting was held to discuss the swine flu pandemic.
- CSX lost current on the tracks and had to close the road for repairs.

Town Administrator report.

- \$19,298 overdue on assessment.
- Issue with trucks hitting the bridge.
- Mrs. Hale going to MMA Spring Conference on May 28 & 29.

**Consent Agenda**

1. The Board voted unanimously to approve the minutes of the April 21, 2009 meeting, as amended.
2. Approval of the March 31, 2009 executive session minutes was tabled – to be sent to Town Counsel.

The Board voted unanimously to:

3. Approve Leslie E. Boardman as Inspector of Animals.
4. Accept donations in the amount of:
  - \$500.00 from Donald Leavitt to be allocated to the Ladder Truck Fund.
  - \$700.00 from Bob & Karen Sommers to be allocated to the Ladder Truck Fund.
  - \$250.00 from Kevin & Karen Barry to be allocated to the Ladder Truck Fund.
5. Accept donations in the amount of \$355.00 for Youth and Family Services.
6. Place Mark Sadowski on IOD effective April 16, 2009 through April 27, 2009.
7. Appoint John Wilson Veterans Agent, effective April 30, 2009 through April 30, 2010.
8. Signing of a three year contract for elevator maintenance with Bay State Elevator Co. was tabled – to be sent to Town Counsel.

**Other Business**

1. It was voted unanimously to finalize and sign the Lakefront Properties contract and road closure permit,

- and to authorize Town counsel to draft a one page amendment if necessary.
2. It was voted unanimously to Appoint Sean Cronin to the Recreation Commission for a term to expire June 30, 2011 (to fill Jim Hegarty's seat).
  3. Designation of nominee for MPO was deferred to Mr. Gaffney.
  4. It was voted unanimously to appoint David G. Gusmini, 4 Beverly Circle, Holliston, MA 01746 to the following committees:
    - Southborough Emergency Planning and Management Committee as Primary – Building Inspector, for an indefinite term;
    - Americans with Disabilities Act Committee, term to expire June 30, 2009, and reappointed for a term to expire June 30, 2010.
    - Workplace Safety Committee (ex-officio), term to expire June 30, 2009, and reappointed for a term to expire June 30, 2010.

The Board voted unanimously to allow the Trust Committee to make transfers, in the amount of \$3,171.56, from two funds as recommended by the Auditor.

#### WARRANTS

169	\$378,329.77	5/1/09	TOWN PAYABLES
170P	\$471,902.50	5/1/09	SCHOOL PAYROLL
171P	\$245,184.13	4/29/09	SCHOOL PAYABLES
<b>TOTAL</b>	<b>\$1,095,416.40</b>		

172	\$272,614.01	5/8/09	TOWN PAYABLES
173	\$3,156.00	5/8/09	CHAPTER 90
<b>TOTAL</b>	<b>\$275,770.01</b>		

Meeting adjourned at 9:25 pm

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
May 19, 2009  
MCALIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:10 p.m.

**Transfer of Retail Package Goods Store/Wine & Malt Beverages License from Amerish Foods, LLC d/b/a The Country Gourmet, 118 Framingham Road, to Southboro Vineyard & Market, Shohdy Ziada, Manager.** Mr. Ziada is leasing the property and is purchasing the liquor license. Mr. Boland is concerned that it will become more of a beer and wine store than a market. Mr. Ziada assured Mr. Boland that it will be run as a convenience store. Interim Police Chief Moran stated that Mr. Ziada has always cooperated, and works well with the Police Department. She suggested that he enhance the security system. It was voted unanimously to approve the transfer of the Liquor License to Southboro Vineyard & Market, with hours to be Sunday 12:00pm to 8:00 pm and Monday thru Saturday 10:00 am to 8:00 pm. It was voted unanimously to approve the Common Victualler's License for Southboro Vineyard & Market, with hours to be Sunday from 8:00 am to 8:00 pm and Monday thru Saturday 6:00 am to 9:00 pm.

**Award contract for Cordaville Hall roof.** Phil Rinehart, Facilities Manager, explained that the Cordaville Hall roof is leaking and that the wood under the shingles is buckling, causing the shingles to lift. His recommendation is to strip and re-roof. It was voted unanimously to award the contract to JD & D Construction for option 2 at a cost of \$32,000.00, with a \$5.00 sq. ft. cost of replacement wood, and removing only the rear dormers.

**Continued discussion of Police Chief search process.** There was further discussion regarding the make-up of the search committee. Mrs. Phaneuf said that they are looking for more candidates for the committee. Interviews for committee members will be held during the BOS meeting on June 8, 2009. The deadline for applying is June 2, 2009. Mr. Giorlandino said that being on the committee will involve a significant time commitment. Interviews for the committee will be public, interviews of candidates by the committee will be private and final interviews by the BOS will be public. It was reiterated that any internal candidates should be finalists, and that the BOS makes the final decision.

**Municipal Facilities Committee.** The committee came before the Board for clarification on the agreement made at a previous meeting. Mrs. Phaneuf stated that they should prepare a presentation for Fall Town Meeting as to what they have been doing. It was also suggested that they come up with a third option in case people don't go for either a new police station or an addition/renovation to the existing building. Interim Chief Moran and Phil Rinehart, Facilities Manager, will work on finding out what will be necessary to maintain the building for another five years.

**Karen Galligan, DPW Superintendent.**

- **Staffing at Transfer Station.** There was a discussion as to the best way to handle staffing at the transfer station. Ms. Galligan presented several options; including reducing the hours it was open and using part time staff. Mr. Giorlandino was concerned about what next fiscal year will bring and would prefer an option that does not include overtime. Mrs. Phaneuf suggested hiring a part-timer, no overtime and hiring summer help and then revisiting the issue after the summer. Mr. Boland felt that it made it easier for residents to use the facility if the hours remained the same, and that it justified adding the position back in. He was not in favor of reducing the hours. It was voted unanimously to approve hiring a part-time person for the summer, at 19 ½ hours per week.
- **Award bid for Transfer Station hopper.** Ms. Galligan stated that bids were opened on May 1, 2009 and that funding was authorized from Article 16 of the 2006 Annual Town Meeting. It was voted unanimously to award the bid for the Transfer Station Compactor Hydraulic Power Unit to The Hope Group/Sorenson Systems LLC, 70 Bearfoot Road, Northborough, MA 01532 in the amount of \$65,129.00.
- **Fayville pumping station.** The Town discontinued use of the pumping station in 1961 and the building is in disrepair. The lease, from what is now the DCR, seems to state that if the property is no longer used for water purposes then it reverts back to the DCR. It was voted unanimously to have Ms. Galligan express to the DCR that the Town is longer interested in the property, after consultation with Town Counsel.
- **Ms. Galligan** also asked the Board to grant permission to install a line of sight transmitter/receiver on the cemetery building and the senior center for internet and network access for the cemetery building. This will connect these offices to the town hall network. The Board tabled this item and asked for information on the cost and estimated savings.

Report of Chairman, Board of Selectmen. Mr. Giorlandino summarized the Metrowest Growth Management Committee meeting and the Zoning Advisory Committee meeting.

Town Administrator report. Mrs. Kitchen discussed the Fire Watch payment, Reserve Officer & Call Firefighter physician letters and a resident's letter regarding the Parkerville stop light.

#### **Other Business**

1. It was voted unanimously to appoint John Thorburn, 1 Wildwood Drive, as Part-time Police Dispatcher subject to his resignation from the Personnel Board, effective on such resignation.
2. It was voted unanimously to approve Interim Police Chief Moran's request to fund audio/visual equipment, safety supplies and mats for the Police Department booking room from Annual Town Meeting Warrant Article 11. The Board requested that Interim Chief Moran provide the Town Accountant with the letter from OSHA as back-up.

#### **Consent Agenda**

1. Annual Committee Reappointments. A vote on members of the MBTA Triangle Committee was held to a future meeting. It was voted unanimously, except for Conservation Commission, to appoint members as listed on the spreadsheet dated 5/10/09 and initialed by Mr. Giorlandino, with terms to expire as listed. It was voted 2-0 (Mr. Giorlandino recused himself) to appoint members of the Conservation Commission, as listed on the above spreadsheet, with terms to expire as listed.
2. It was voted unanimously to dissolve the Workplace Safety Committee. A vote on dissolving the Public Health Advisory Committee was held to a future meeting.
3. It was voted unanimously to Approve the minutes of the March 31, 2009 Executive Session.
4. It was voted unanimously to accept a PILOT payment from New England Center for Children in the amount of \$40,334.00.

It was voted 2-0 (Mr. Boland recused himself) to approve a permit for Lakeside Productions to use the cemetery.

#### **WARRANTS**

174	\$428,717.11	5/15/09	TOWN PAYABLES
175	\$5,056.00	5/15/09	CHAPTER 90
176P	\$474,674.29	5/15/09	SCHOOL PAYROLL
177P	\$239,425.16	5/13/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,147,872.56</b>		

178	\$170,662.01	5/22/09	TOWN PAYABLES
179	\$10,166.54	5/22/09	CAFETERIA PAYABLES
180	\$20,693.35	5/22/09	NEARY RENOVATION
181	\$4,465.37	5/22/09	SCH. ENC. PAYABLES
182	\$37,260.30	5/22/09	SCHOOL PAYABLES
<b>TOTAL</b>	<b>\$243,247.57</b>		

At 10:05 p.m., on roll call vote (Mr. Boland – aye, Mrs. Phaneuf – aye, Mr. Giorlandino – aye), it was voted to enter executive session and to not re-enter open session.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**Board of Selectmen**

**May 26, 2009**

Present: Salvatore Giorlandino, Chairman; Bill Boland, Bonnie Phaneuf and Jean Kitchen, Town Administrator.

Meeting was called to order at 6:30 p.m.

Lakefront Productions: Mr. Boland submitted a conflict of interest form (MGL Ch 268A Sec 23 (b)(3) re: movie "Grown Ups".

Lakefront submitted Amendment #3 for a 1 day extension and Amendment #2 for the use of the cemetery. The Board voted to approve both documents as submitted.

The Board would like to know where shrubs being used in the film will be going and can any town departments make use of them after the film has concluded.

Delta Mechanical: Mr. Rinehart explained that the town received an emergency waiver for replacement of the air conditioning compressor at the library. Mr. Rinehart discussed proposals from Delta and Trane. Mr. Rinehart recommends Delta, as they would match Trane's cost proposal.

The Board of Library Trustees have been made aware of this repair issue, and they have not expressed any concern.

The Board of Selectmen unanimously approved the expenditure of up to \$11,895 (which includes labor) from the FY 2009 capital maintenance article for the replacement of the library air conditioning compressor. Mr. Rinehart will coordinate installation with the Library.

Other Business

- The Board of Selectmen confirmed their future meetings June 2, June 8, June 16, June 23 July 7 ---the rest of July will be determined at a later meeting.
- Have Nancy Vargas confirm that all members of Triangle Comm. are available to serve.

The Board discussed the composition of the Police Chief Search committee.

**WARRANTS**

183	\$3,610,216.09	5/29/09	TOWN PAYABLES
184	\$485,863.28	5/29/09	SCHOOL PAYABLES
185P	\$477,923.58	5/29/09	SCHOOL PAYROLL
186P	\$256,574.13	5/27/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$4,830,577.08</b>		

Meeting adjourned at 7:25 p.m. Submitted by Jean Kitchen, Town Administrator

**BOARD OF SELECTMEN  
MEETING MINUTES  
June 2, 2009  
MCALIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Vanessa Hale, Assistant Town Administrator.

Mr. Giorlandino opened the meeting at 7:50 pm after the Board attended the Scholarship Award ceremony at Southborough Community House.

**Change Order Request.** Mr. Rinehart explained that they would like to add an additional 7 windows to the restoration work at South Union School, and that they can add 25% to the original bid without going out to bid. It was voted unanimously to approve the change in order, subject to documentation being included stating that adding 25% of the original bid is allowed, and that the work is completed by August 31, 2009.

**Appointment of Summer Activities Director – Youth Services.** Laurie Sugarman-Whittier, Director, Southborough Youth and Family Services, introduced Matthew Cassell. The Board voted unanimously to approve the appointment of Matthew Cassell as Summer Activities director for Southborough Youth and Family Services, for 24 hours per week for six weeks at a rate of \$25.00 per hour.

Chairman, Board of Selectmen.

- The Metrowest Growth Management Committee annual dinner is June 10, 2009 at Ken's Steakhouse. Vera Koliias, Town Planner, is being honored.
- Internet policy re: personal laptops being brought to work
- Management Summit should be scheduled next month.

Town Administrator Report.

- There are 18 applicants for Police Chief Search Committee. An interview schedule was discussed.
- Discussion of the Nichols House lease.

**Consent Agenda**

The Board voted unanimously to:

1. Approve annual committee appointments as listed on attached sheets.
2. Approve the minutes of the May 5, 2009 meeting.
3. Accept a donation of \$250.00 for the Ladder Truck Fund.

**Other Business**

1. The summer meting schedule was set as July 7 and 28, and August 11 and 25.
2. It was voted unanimously to approve Interim Chief Moran's request for \$5,220.00 from Harvard Funds to be used to purchase equipment for the Police Department, as set forth in items 1-4 of her request of May 5, 2009, and for Klay Thompson to review the list of equipment and identify them and for him to return the Chief's laptop.
3. It was voted unanimously to approve the attachment of line of sight internet transmitter/receivers, as proposed by Ms. Galligan in her memo, to the cemetery building and Cordaville Hall.
4. It was voted unanimously to have Mr. Gaffney cast a ballot, representing the BOS, in the MPO election.
5. It was voted unanimously to approve IOD leave for firefighter David Cobb for May 22 and 23, 2009.

There was a discussion on putting an emergency phone or radio at the hopper area of the Transfer Station.

**WARRANTS**

187	\$715,472.60	6/05/09	TOWN PAYABLES
188	\$50,031.22	6/05/09	SCHOOL PAYABLES
<b>TOTAL</b>	<b>\$765,503.82</b>		

Meeting adjourned at 8:55 p.m.

Respectfully submitted,     Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
June 8, 2009  
MCALIFFE HEARING ROOM**

Present: Salvatore Giorlandino, Bonnie Phaneuf, Bill Boland.

The Board met to speak with people interested in serving on the Police Chief Search Committee. Mr. Giorlandino began by speaking about the memory of the late Chief Webber. He noted that he learned a lot from watching Chief Webber deal with pain and adversity and appreciated all the hard work over his years of service to the town.

The Board decided that Interim Chief Moran would be one of the automatic finalists if she applies out of respect, noting her experience in the department and as interim police chief. She would be interviewed by the committee and would have to prove herself like anyone else who goes through the process. The [ad hoc] committee will interview and make a recommendation to the Selectmen. The Board could potentially ask the committee to interview more candidates if they felt it was needed.

Mr. Giorlandino noted he would be looking for a feeling of life experiences from the committee members - and what experiences make them qualified to assist in this selection process. Basic values of fairness, integrity, and having the courage to make difficult decisions were suggested. Mrs. Phaneuf wants the members to think about what the town needs as a whole and if they chose they can interview the members of the department. Mr. Boland wants people with an open mind, those who want to find the best candidate to lead the department. The Board thought that the process would take at least three months time. The committee would vote to appoint a chair.

Mr. Giorlandino offered a hypothetical question to each volunteer: Have you experienced an episode/event in your lifetime where someone you know was treated unfairly? What did you do about it?

- DAVID FERRIS

- Grew up in town and knows the town and department
- Watched Bill Webber work; he left behind a great organization
- Has served on various committees and found consensus in each group
- Mass Bar Association member for many years, some limited criminal defense work
- Professionally he is a financial advisor

SUSAN DARGAN

- Grew up in Natick; has lived here 18 years
- Chair of the Framingham State Sociology dept
- Has done research on crime, behavior, domestic violence, global diversity issues
- In her 7<sup>th</sup> year on K-8 school committee, current chair of the regional high school committee
- Feels the new chief should address underage drinking, drug and alcohol issues
- She has school committee meetings on Wednesdays

PAUL SMITH

- Resident of 17 years
- Involved with management at high school & college level
- From a family of 9, single parent household
- Familiar with operations of the police department

- Would like to serve the town and help with the process
- Son has participated in the DARE program which was a good experience for him
- Currently work for the US Postal Service locally
- No close relationship with anyone in the department
- In a small town like this, the chief should be sensitive to the town's growing problems and the need to address growth and other issues; interaction & visibility are important
- Worked at Simmons College [Facilities Dept] and N-S school system and had contact with the Boston Police Dept.
- Had dealt with a school employee who was treated unfairly; issue was resolved
- May have issues with meeting weekly – was told the committee would try to accommodate scheduling issues as much as possible

#### JIM HEGARTY

- Went to Babson
- Has been with the FBI for 20 years – investigations, cyber squad, high tech matters
- Never dealt with Southborough for a professional matter
- Interaction with the department is limited [he is a member of the town's Advisory Committee]
- Has felt that officers don't always act appropriately, but has no issues with areas of the dept.
- Has worked with Boston, Greensborough, New York police departments
- There is a drug situation that needs attention with adolescences
- Leadership qualities include: motivation, effective style, thorough communication
- New chief should look at what the crime problems are; most issues are reactive ones, set the bar high, questions how effective the DARE program is, how court time is managed, frequency of firearms training

#### LINDA SHAFFER

- Lived in town for 15 years, active community volunteer
- Worked in adult mental health field
- Started neighborhood group several years ago
- Can be objective, impartial and part of this decision making committee
- Life experiences dealing with 2 autistic sons has exposed her to many challenges
- Serving on the MBTA Triangle committee
- Can be a voice, wants to work toward the group's common goal
- Has had dealings with the police department on neighborhood issues, etc; finds all her dealings with this department as good and responsive
- Would like to see the new chief as one continually respected by the department, responsive to the needs of the town, bringing new ideas to a growing community
- In her past life, she has dealt with hiring and screening candidates

#### KEVIN GIBLIN

- Has a great deal of experience with board and committee work
- The chief is a community ambassador
- Served on the Northborough Board of Selectmen and hired a chief there
- Although he is busy, he wants to give back to the community
- He is a professional developer and has limited contact with the police department when necessary for development purposes
- In a new chief, he wants respect from the department, being a good ambassador, continuing education, be committed to their budget, need to stay the course and keep improving

#### RICHARD LOCKE

- Worked in the high finance area, nationally
- Is a CPA by profession
- Life experiences that lend him to this committee include working with children in a coaching, mentoring or tutoring manner. Need to look for a chief that can deal with different individuals, the right temperament and personality
- Funding of the department changes with the times and is tough to say as a former Advisory Committee member
- Issues facing the department include developing a cohesive force in a small department, they are seen very publicly doing different things, people need to get along, find the right person to lead
- Work schedule seems to be ok through the Fall, no heavy travel in the near future
- Offer assistance to people in need, have a responsibility to do so
- No close relationships with current officers

#### CHIEF JOHN MAURO

- Grew up in Southborough
- Has spent his life-long career in the Southborough Fire Department – 36 years
- Has also has past experience as a police dispatcher in the Police Department
- Good knowledge of operations of the police department
- Has served on the search committee for other departments, in addition to the Algonquin principal search committee
- Works most closely with Police than any other town department
- Need to maintain a good working relationship between departments
- Mrs. Phaneuf noted the chief is not a resident, and that the board did not intend to put any employees on the search committee
- Noted that School search committee was run by consensus, not voting by person
- He looks at the professional aspect first and does not feel hindered by the friendship; he can look at what is best for the entire community

#### TIM MCHUGH

- Served in the coast guard and feels he has vast knowledge in the law enforcement field
- Resident for 15 years
- Served on the Personnel Board for nine years, other ad hoc committees
- He is an attorney with many years of practice
- Most recently he served on the Advisory Committee

#### WILLIAM PEZZONI

- He is an attorney with Mirick O'Connell and represents developers
- He has some past experience working with the indigent community
- A resident for 35 years
- Has been very satisfied with responses of the department
- Important attributes for a small department include education of the kids, better relationship with the private schools and the ecumenical community

#### JOHN ROONEY

- Has lived in town for 19 years
- Father was the Waltham police chief
- Has served as an assistant district attorney, dealing with various levels of crime and lots of contact with other police departments
- Practices across New England and represents police departments and chiefs, doing defense work

- In a small town, the chief must be involved in all aspects of department operations and community affairs

#### RUSS MILLHOLLAND

- Longtime member of the Personnel Board
- Retired after 34 years with Norton Co. in HR, finance, accounting, etc [retired at director of human resources]
- Lived here for 38 years
- Served on numerous boards & committees over past 3 decades, chaired variety of search committees for the town
- Also participated in collective bargaining and other personnel matters
- Asked if he thought he could influence the committee with past historical knowledge – everyone brings their own skills and knowledge. He does not think he would be influencing the other members

#### DAVID RUEGER

- Recently retired and would like to get involved in community activities
- Director of major projects, many years involved with hiring people
- Recently had a tour of the police department as a means of educating himself along with his neighbors
- Resident since 1995
- A good department consists of being responsive to the issues, the staff, etc

#### ESTHER LESIEUR

- Served on Housing Authority, involved with the ARHS band
- Has lived here for 50+ years
- Has owned a local business
- Teaches at the Department of Corrections
- Feels that the Town should stay within the department

#### BARBARA MURPHY

- A resident for 38 years
- Has served on the Housing Authority, COA, School Building Committee, active member of St. Matthews Parish
- When working in the private sector, dealt with hiring issues for thirty years
- The next chief needs to be able to command respect of peers and their staff
- The school building process was a challenging project and committee to work on, dealing with very different personalities
- Finds the department to be strong and resilient

#### DESIREE ASELBEKIAN

- Former member of the regional school committee & local K-8 committee
- A lifelong Southborough resident
- Has advanced in education and attended law school
- Has worked in probate court and on educational policy issues
- Participated in search committees previously through her school committee service
- Feels ensuring the safety of the public should be paramount, issues surrounding pornography, drugs & alcohol are occurring in Southborough, student & elderly population are a huge part of the police force's role
- The department is highly professional and goes above and beyond their usual role
- She has no problem dealing with unfairness and does not let people bully her into taking positions; will

- make the best decisions possible to advise the Board of Selectmen
- Spoke of need for more involvement for Southborough police at the high school level at Algonquin

Mr. Giorlandino proposes thinking about the interviews and making decisions on June 16, 2009. The Board was not interested in continuing interviews to another meeting. 19 individuals which came forward. Mrs. Phaneuf wants to come back next week and meet earlier to share a list of what 8-10 preferred candidates are recommended and see what consensus there is for appointment. She added that she would like to prioritize the individuals and see where they fit based on the criterion that was developed. Mr. Giorlandino said that he is in favor of an inclusive process but this has been out there for a while and wants to move forward.

Dr. Morreale, Chair of the Personnel Board spoke about the process to the Selectmen. He listed his concerns on how to proceed with the process. As a taxpayer, he wants to see more involvement at the regional high school from Southborough and wishes the police department had more concurrent jurisdiction.

Regarding the process, Dr. Morreale thinks the Board has set an edict that there is one person who has an unfair advantage. He believes the interim chief will have the opportunity to prove her experiences throughout the process. That advantage may dissuade other people from applying. Do we want to start the process and close the field by giving these impressions? Mr. Giorlandino reaffirmed his feelings on fairness and said it would be unfair to not have her [Moran] be a finalist. She must appear for an interview like everyone else and allow the committee to form their own judgment. He further stated that he wants people who will not be swayed either way, have an open mind and are fair in the process.

Mr. Giorlandino was displeased that Dr. Morreale of making suggestions that he is perturbed over and stated this appointment is not a personnel board decision and added that he feels there is nothing unfair about making the current Interim Chief a finalist and rewarding good work. Dr. Morreale told the Selectmen that if you feel comfortable, appoint her and don't spend the money on the search process and assessment center. He added the perception is that the process isn't open and fair and that the personnel board has strived to be fair. As you charge this group of people, don't hamper them from making decisions, give them latitude to do their job.

Mr. Boland said he understands what is being said. Mrs. Phaneuf said every applicant from the dept. will be allowed to be part of the final process if they meet the qualifications.

Meeting adjourned at 9:50 p.m.

Submitted by Vanessa D. Hale, Assistant Town Administrator.

**BOARD OF SELECTMEN  
MEETING MINUTES  
June 16, 2009  
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

**Appointment of Police Chief Search Committee.** The Board started their discussions by honoring Chief Webber. Mr. Giorlandino restated the ground rules for the committee. He also stated that Interim Chief Moran is an almost 30 year veteran of the PD and that for approx. half of that time she has been a Sergeant. Since November of 2008 she has done an admirable job as Interim Chief and the Board chooses to honor her accomplishments by making her a finalist if she applies – it does not mean that she will automatically get the position. Mr. Giorlandino suggested that the Board members state the individuals that each would like on the committee. The merits of each candidate were discussed between motions.

It was voted unanimously to appoint Susan Dargan, John Rooney and Barbara Murphy to the Police Chief Search Committee.

It was voted unanimously to appoint Linda Shaffer to the Police Chief Search Committee.

It was voted unanimously to appoint Desiree Aselbekian to the Police Chief Search Committee.

It was voted unanimously to appoint Paul Smith to the Police Chief Search Committee.

It was voted unanimously to appoint David Reuger to the Police Chief Search Committee.

The Board will have a charge meeting with the committee on June 23, 2009. Each of the members will be contacted and should be sworn in prior to the meeting.

Mr. Challen questioned the need to put Interim Chief Moran as a finalist. Both Interim Chief Moran and the Board responded to his concerns.

**Recreation – MAPC Bike rack program and skatepark proposal.** Doreen Ferguson, Recreation Director, requested to be allowed to purchase seven bike racks, to be placed at the Library, Town Center, South Union building and the schools. The Town has been approved for reimbursement of up to \$3,000 by the Metropolitan Area Planning Council. The Board voted unanimously to approve the installation of seven bike racks, in the areas designated, using revolving funds.

Ms. Ferguson also would like to see a skatepark constructed at the Choate fields at Woodward School. She showed a video, produced by local teenage skateboarders, in support of the skatepark. The project would be funded by holding fundraisers and by grants. Several of the teenagers who filled the meeting room spoke in support of the project. Mr. Giorlandino said that it was a nice idea but that if approved it could mean that skateboarding could be banned, or limited, in other areas of town. Mrs. Phaneuf suggested that the group talk with the school committee and the Conservation Commission. The Board is supportive of the park.

**MBTA Triangle – award contract for design.** Nancy Vargas explained that seven bids had been received, but that the lowest bid was eliminated as they did not provide all of the required paperwork. The project will be funded by the CPC with funds approved at Town Meeting for construction and design fees. She also explained that this is for the first phase, which does not include new plantings. Fundraising will be started for the next phase, which includes new plantings. Mr. Giorlandino thanked the committee for their work. The Board voted unanimously to award the bid contract, as submitted, to Mountain View Landscaping in the amount of \$89,600.

**Approve FY10 Transfer Station Rules & Regulations.** Karen Galligan, DPW Superintendent, went over the changes. The Board voted unanimously to approve the Transfer Station Rules & Regulations as presented, and amended, on June 16, 2009.

**Country Gourmet License.** Robert Ciccarelli, Country Gourmet, explained the issue with the license transfer and stated that the ABCC has now approved the transfer and that he is waiting to receive it in the mail. Mr. Boland is concerned as there appears to be two businesses operating from that location. The Board has requested that all

parties involved attend the next meeting and bring written verification from the DUA and ABCC that all issues are resolved.

**Reports:**

Chairman, Board of Selectmen.

- Management summit on July 14.
- Approval of Mrs. Kitchen's proposed 3 year contract.
- Ms. Koliwas honored by the Metrowest Growth Management Committee.
- Mr. Giorlandino donated furniture from his late mother's home to the Senior Center – 2 wing chairs and a couch.

Town Administrator.

- The alarm and card entry system at the Town House will be online in July.
- When can the Cable Committee start televising meetings? Starting with the July 28.
- The Library still has water problems in the downstairs meeting room.

Public Comment.

Mr. Gaffney reported that he had attended the Framingham meeting of the Metrowest Growth Management Committee and that Framingham and Natick voted to continue for another year.

**Consent Agenda**

The Board voted unanimously to:

1. Approve the minutes from the May 19, 2009 and June 2, 2009 meetings.
2. Approve the minutes of the May 5, 2009 Executive Session.
3. Appoint committee members as presented this evening on a list titled "2009 Appointments" dated June 16, 2009, with terms to expire as listed.
4. Approve the voluntary water ban as stated in a letter of request from Karen Galligan, DPW Superintendent, dated June 8, 2009.
5. Accept the resignation of Robert Fagundes, Communications Officer, effective July 20, 2009, on condition that the MSP/MPTC academy starts on that date.

**Other Business**

The Board voted unanimously to:

1. Accept a \$7,000 donation from Lakefront Productions to the Senior Center.
2. Accept a \$50 donation to the Ladder Truck Fund from Doreen Ferguson.
3. Accept a \$250 donation to CPR account from the New England Center for Children.
4. Approve change order # 2 for South Union School [Arts Center] window project for Whipple Construction to replace window stops and weather stripping, and to rescind change order # 1 that was approved on June 2, 2009.
5. Accept the resignation of James F. Finneran, Police Officer.

It was voted to rescind the vote on change order # 2 in Other Business item # 4, and it was voted to approve change order # 2R dated 6/11/09 and signed by Steven White, for 46 windows and not to exceed \$8,166.

Mrs. Phaneuf recommended that the Town Administrator's office be locked when she is not there.

**WARRANTS**

189	\$277,160.68	6/12/09	TOWN PAYABLES
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190	\$1,580.00	6/12/09	CHAPTER 90
191	\$3,945.00	6/12/09	CHAPTER 90
192P	\$490,347.04	6/12/09	SCHOOL PAYROLL
193P	\$298,624.09	6/10/09	TOWN PAYROLL
TOTAL	\$1,071,656.81		

194	\$106,905.52	6/19/09	TOWN PAYABLES
195	\$9,827.34	6/19/09	CAFETERIA
196	\$612,040.40	6/19/09	SCHOOL PAYABLES
197	\$6,113.11	6/19/09	SCHOOL PAYABLES (ENC)
198	\$48,650.92	6/19/09	NEARY RENOVATION
TOTAL	\$783,537.29		

Meeting adjourned at 9:25 pm.

Respectfully submitted,  
 Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
June 23, 2009  
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board re-entered open session at 8:00 pm.

**Police Chief Search Committee – discussion of committee charge.** Mr. Giorlandino welcomed the committee on behalf of the Board. Aldo Cipriano, Town Counsel, gave an overview of the open meeting law. The committee was informed as to what their responsibilities are, and there was a discussion as to what could and could not be discussed in open session. Mr. Giorlandino reiterated that Interim Chief Moran would automatically be a finalist, if she chose to apply, but that did not mean that she would automatically get the job. The Board voted unanimously to appoint Desiree Aselbekian as Chair Pro-Tem, with the ability to call the first meeting.

**Finalize assessment center RFP, Police Chief's job description and advertisement.** The Police Chief job description was discussed and amended. The assessment center RFP was discussed and amended and the advertisement was discussed and amended. There was a discussion as to the residency requirement and it was voted to allow residency, in a town whose borders are within 15 miles of the Southborough town border.

**Interim Police Chief and Fire Chief – requests to fill vacancies.** Interim Police Chief Moran discussed the need to replace a full-time Communications Officer and a full-time Police Officer. Both positions are already funded. The Board voted unanimously to approve the request to hire a full-time Communications Officer and a full-time Police Officer. There was discussion of waiting until a new chief was hired first.

Fire Chief John Mauro discussed the need to hire a full-time Firefighter/EMT-Paramedic and two call firefighters. The Board voted unanimously to approve the advertising of the Firefighter/EMT-Paramedic position [Mrs. Phaneuf made preference that the Chief hire a Firefighter/Paramedic due to the existing paramedic waiver], with the stipulation that the Chief come back to the Board for approval to hire, and to approve the hiring of two call firefighters.

**John Woodsmall – discussion of new flood zones.** FEMA updated the Town flood zones and the changes impact approx. 300 properties. The letter that will be sent to the impacted property owners was reviewed and discussed. The Board voted unanimously to approve the draft letter from Mr. Woodsmall informing residents of potential changes to the flood zone.

**Conservation Scientist contract update.** Mrs. Phaneuf chaired this portion of the meeting as Mr. Giorlandino's wife serves on the Conservation Commission. Ellen Chagnon, part-time Conservation Scientist was introduced. Funding for this position is through filing fees. The Board voted to approve the contract, dated June 18, 2009, between the Conservation Commission and Ms. Chagnon.

**End of year transfers.** A request to transfer funds from the Recreation Department budget non-salary line item to the salary account to cover a salary shortfall was presented by Doreen Ferguson, Recreation Director. The Board voted unanimously to approve the transfer of an amount up to \$2,000 (amount to be determined by final payroll) to be used out of salary accounts from non-salary line items for the Recreation Department.

**Town Administrator Report.** The Board authorized Mrs. Kitchen to sign the location release for the movie company and the Board asked that she follow up on the detail reimbursement for services provided by the police and fire department and any other department services.

**Chairman, Board of Selectmen.** Discussed sending a letter for the management summit and the Fire Department ladder truck committee meeting.

## **Consent Agenda**

1. Approval of the minutes of the June 8, 2009 meeting was held for a future meeting.
2. Voted unanimously to appoint committee members as listed on 2009 Appointment list dated June 23, 2009, with terms to expire June 30, 2010.

## **Other Business**

The Board voted unanimously to:

1. Approve change order # 1 in an amount up to \$2,450.00, with work to be done by JD&D Construction Co. Also, change order # 2 in amount of \$2,550, with work to be done by JD&D Construction Co., work to be done on the senior center.
2. Accept a donation of \$250.00 from the New England Center for Children, to be allocated to the Fire Donation account.
3. Accept donations of \$880.00, to be allocated to Youth & Family Services donation account.
4. Accept PILOT from St. Mark's School in the amount of \$20,000.
5. Approve and sign a Common Victualler license for Jay MAA LLC d/b/a Subway, 21A Turnpike Road, Southborough, MA.

## **WARRANTS**

199	\$261,871.49	6/26/09	TOWN PAYABLES
200	\$140,028.42	6/26/09	SCHOOL PAYABLES
201	\$5,098.10	6/26/09	CAFETERIA
202	\$178,679.31	6/26/09	SCHOOL PAYABLES
203P	\$240,266.72	6/24/09	BALLOON PAYROLL
204P	\$414,043.18	6/26/09	SCHOOL PAYROLL
205P	\$285,165.73	6/24/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,525,152.95</b>		

Meeting adjourned at 11:00 pm

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
July 7, 2009  
MCALIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Chairman opened the meeting at 6:30 pm.

**Transfer Station violation hearing.** Interim Chief Moran and Brenda Vere were sworn in by Mrs. Kitchen. Mrs. Vere stated that the vehicle with the sticker was in for repairs and that her husband used the other car, without thinking about the sticker. There is some confusion as to whether the Vere's currently have a valid sticker. Mrs. Vere will provide Interim Chief Moran with proof of the sticker. The Board voted unanimously to reduce the fine to a warning if Mrs. Vere can prove that they have a valid sticker, if not the fine will be upheld.

**Capasso Farm – status of license.** Mr. Ziada and his attorney, Scott Rubin were in attendance, Mr. Ciccarelli did not attend. Mr. Ciccarelli has not provided the Town with written proof that his overdue taxes have been paid, which would clear the way for the liquor license to be approved. The Town cannot get the information from the ABCC without re-filing Form 43. The Board advised the Sherry's (Capasso Farm owners) to give Mr. Ciccarelli written notice that his lease is up and that he is to vacate the premises. The hearing will be continued at the July 28, 2009 meeting, with the hope that the issue will be resolved by then. The Town will resubmit the Form 43 filing to the ABCC.

Fire Department years of service award – postponed.

**Discussion of July 2<sup>nd</sup> view of 150 Cordaville Road.** This property is for sale and Chief Mauro, Interim Chief Moran and Vera Koliias, Town Planner, and Brian Shea, Facilities Committee, toured the facility with the broker. They feel that it would be a good alternative location for a public safety facility. Mr. Giorlandino and Mrs. Phaneuf are hesitant to purchase another building without an action plan for the existing buildings. The Board suggested having a joint meeting with Advisory, and that the Facilities Committee meets with the Historical Committee as soon as possible.

**Phil Rinehart: Award bid for fuel oil & Fayville Hall roofing.** All three Board members disclosed that they are customers of Falconi Bros. This item was put out to bid in conjunction with the Town of Shrewsbury. The Board voted unanimously to award the contract for # 2 heating oil, for FY10, to Falconi Bros. at \$1.99/gal. The Board voted unanimously to award the roofing contract for Fayville Hall to the low bidder, AWT Home Solutions, Inc. in the amount of \$14,025.00, to be paid from funds approved in Article 34 of the 2007 Annual Town Meeting.

**Karen Galligan, DPW Superintendent.**

- Award bid for tree removal and miscellaneous tree trimming. Two bids were received and funding is to come from the DPW FY10 budget. The Board voted unanimously to award the contract to the low bidder, Tree Tech, Inc., 6 Springbrook Road, PO Box 302, Foxboro, MA 02035, in the amount of \$73,367.00.
- Award bid for Fisher Road sidewalk extension. Funding for this item is from the ZBA Mitigation Funds, Fairfield Road Improvements. The Board voted unanimously to award the contract to the low bidder, McIver Bros., PO Box 207, Lexington MA 02420, in the amount of \$48,100.00.
- Update on plantings for the MBTA Triangle Project. The DPW maintains an account for plantings on Town property and suggests using \$3,500.00 from that account to purchase plantings for this project. Mrs. Phaneuf would like to know what happened to the trees that the movie company had said they would leave. The Board supports Mrs. Galligan's plan to use \$3,500.00 for plantings, trees and shrubs for

- the Triangle project.
- Grade change request for DPW employee. The Board unanimously approved a change in grade for Stephen Aspesi, to Grade 3 Equipment Operator, Step 4, retroactive to July 1, 2009.

## Reports

### Chairman, Board of Selectmen

- Police Chief search committee
- Management Summit
- Zoning Board meeting
- Metrowest Growth Management Committee
- Fay School PILOT

### Town Administrator

- Walk-thru at 150 Cordaville Rd
- Ad for Police Chief. The Board voted unanimously to authorize advertising in the publications outlined by Mrs. Kitchen.
- Quinn Bill Issues
- Sexual harassment training
- Year end Cherry Sheet
- Cathy Tarr retirement
- Schools flooding
- Capital Planning Committee
- Loss control credit
- Photocopies needed for Management Summit
- Dates for Town Meeting – Warrant ready for signatures

## **Consent Agenda**

1. Approval of the minutes from the June 8, 2009 and June 23, 2009 meetings was held to the next meeting.

The Board voted unanimously to:

2. Appoint Jonathan Feinstein, 38 Constitution Drive, Southborough, MA to the MBTA Triangle Committee, term to expire June 30, 2010.
3. Accept a donation of \$45.00 from Kerry Kimball to be allocated to the Ladder Truck Fund.
4. Accept donations in memory of Phillip Mauch to be allocated to the Ambulance Donation Account.
5. Place James Peltier on IOD on June 17, 2009.
6. Accept the resignation of Lt. John D. Mauro, St. as a call firefighter.
7. Approve a 2% merit increase for Barbara Luther, Administrative Assistant, to a salary of \$23.65/hr retroactive to July 1, 2009.
8. Approve a 2% merit increase for Carol Ostresh, Receptionist, to a salary of \$19.96/hr effective July 17, 2009.
9. Appoint A.J. Purcell to the Stewardship Committee, for a term to expire June 30, 2010.
10. Appoint Roger Challen, 29 Oak Hill Road, to the Municipal Technology Committee, for a term to expire June 30, 2010.

Mrs. Phaneuf suggested that all mail received at the front desk be stamped “received”.

Mrs. Kitchen requested clarification on her involvement in the Police Chief hiring process.

## **WARRANTS**

[FY09]

206	\$220,456.47	6/24/09	TOWN PAYABLES
TOTAL	\$220,456.47		

[FY10]

1	\$943,211.87	7/2/09	TOWN PAYABLES
TOTAL	\$943,211.87		

[FY09]

207	\$130,196.75	6/30/09	TOWN PAYABLES
208	\$262,588.28	6/30/09	SCHOOL PAYABLES
209P	\$328,463.91	6/30/09	SCHOOL PAYROLL
210P	\$242,596.25	6/30/09	TOWN PAYROLL
TOTAL	\$963,845.19		

[FY10]

2	\$257,185.88	7/10/09	TOWN PAYABLES
3	\$3,945.00	7/10/09	CHAPTER 90
4	\$6,004.00	7/10/09	CHPATER 90
5P	\$51,810.27	7/10/09	SCHOOL PAYROLL
6P	\$22,348.30	7/8/09	TOWN PAYROLL
TOTAL	\$341,293.45		

Meeting adjourned at 8:55 pm

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
July 28, 2009  
MCALIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:45 pm.

**Ladder Truck Committee and Advisory re: Ladder Truck and Fall Town Meeting.** Rebecca Waterfall updated the Board on the fundraising efforts for the ladder truck. The PILOTs offered by the non-profit schools was discussed. Advisory suggested using money from the Stabilization Fund. Jim Colleary [Ladder Truck Committee] clarified the need for this particular type of ladder truck. There was a discussion as to some of the questions that may come up at the Special Town Meeting.

**Nancy Vargas re: Police Station Renovations.** Nancy Vargas, Historical Commission, introduced Brian Baer of Baer Architectural Group. Ms. Vargas updated the Board on the process thus far and recommended the use of CPC funds for the renovation of the existing building. She also recommended forming a seven member Public Safety Building Committee. Mr. Giorlandino did not feel the need for another committee at this time and requested that the Historical Commission and the Municipal Facilities Committee get together as soon as possible to discuss the plan put forward by Ms Vargas.

**Appointment of Full-time Communications Officer.** Interim Chief Moran introduced Kelly Rovedo. Ms. Rovedo has worked for the Police Department for the past eight months as a part-time dispatcher. The Board voted unanimously to appoint Kelly Rovedo as a full-time Communications Officer at SEIU Grade 2 salary of \$16.93/hour, starting on the next full-time rotation and subject to completion of a physical and background check.

**Appointment of Full-time Police Officer.** Held for a future meeting.

**Police Department new cruiser discussion.** There was a discussion as to the merits of purchasing a new vehicle at this time and which vehicle should be replaced. Discussion was continued to a future meeting.

There was also a discussion of proposed by-law changes to be put on the Special Town Meeting warrant. The Board voted unanimously to support moving forward with the three changes, with input from Town Counsel and the Town Clerk.

**Finance Director – financial staffing.** Held for a future meeting.

**DPW Director – office vacancy discussion.** Held for a future meeting.

**Reports:**

Town Administrator.

- Assessment Center RFP
- Library Trustee position
- Committee Interest forms
- Detail money from movie
- Library Flooding
- Met with DPW and Conservation re: Parkerville Rd Flooding
- New stamp for Selectmen's Office
- School Assessment
- Capital Budget Committee
- Vacation schedule

Chairman, Board of Selectmen.

- Interviews of candidates for Metrowest Growth Management Committee.

Mr. Boland.

- Discussions on Nichols House property.

**Consent Agenda**

1. Approval of the minutes from the June 8, 2009, June 23, 2009 and July 7, 2009 meetings was held for a future meeting.

It was voted unanimously to:

2. Place Kevin Landry on IOD for July 7, 2009 – July 8, 2009.
3. Place John Mauro Jr. on FMLA leave effective July 13, 2009 – July 24, 2009.
4. Place Dawn Michanowicz on FMLA leave effective July 20, 2009 – July 31, 2009.
5. Appoint David Gusmini Sealer of Weights and Measures, for a term to expire June 30, 2010.
6. Appoint Kelly Roney, 9 Strawberry Hill Road, Southborough, MA as Register of Voters, term to expire June 30, 2012.
7. Appoint Patricia A. Steacie, 10 Garrison Lane, Southborough, MA to the Southborough Elderly Housing Committee, term to expire June 30, 2010.
8. Accept donations of \$245.00 and \$275.00 in memory of Phillip Mauch to be allocated to the Ambulance Donation Account.
9. Accept donation of \$375.00 to be allocated to Youth and Family Services Donation Account.

**Other Business**

1. It was voted unanimously to set the Special Town Meeting date as September 29, 2009. It was also voted unanimously to open the warrant on July 28, 2009 at 7:00 pm and to close it at 5:00 pm on August 11, 2009.
2. Awarding of the Cordaville Hall gutter bid was held for a future meeting.
3. It was voted unanimously to regretfully accept the retirement notice of Connie Mauro.
4. It was voted unanimously to appoint Kathy Bartolini as Southborough's representative to the Metrowest Growth Management Transportation Task Force.

**WARRANTS**

8	\$883,751.82	7/24/09	TOWN PAYABLES
9P	\$320,817.36	7/24/09	SCHOOL SUMMER PAYROLL
10P	\$88,780.65	7/24/09	SCHOOL PAYROLL
11P	\$268,601.18	7/22/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,561,951.01</b>		

12	\$109,270.17	7/31/09	TOWN PAYABLES
13	\$2,462.64	7/31/09	CAFETERIA
14	\$483.58	7/28/09	SPECIAL POLICE PAYROLL
<b>TOTAL</b>	<b>\$112,216.39</b>		

Meeting adjourned at 10:20 pm

Respectfully submitted by Mary H. Lowell, Recording Secretary

***BOARD OF SELECTMEN***  
***MEETING MINUTES***  
***August 11, 2009***  
***MCAULIFFE MEETING ROOM***

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Vanessa Hale, Assistant Town Administrator.. Town Administrator Jean Kitchen is on vacation.

**Fire Department Years of Service Awards.** Chief Mauro stated that the Fire Department had been an all call department until 1966 and that service awards have not been given out for several years. Mr. Giorlandino thanked the department for their years of service and for the assistance they gave him six months ago regarding a serious health problem that he experienced at that time. Service awards were given as follows:

50 year service award:  
Lt. John D. Mauro, Sr.

40 year service award:  
Lt. James Colleary

35 year service award:  
Lt. George A. Hubley, Jr.  
Chief John D. Mauro, Jr.

30 year service award:  
Captain Joseph E. Hubley

25 year service award:  
Captain Joseph C. Mauro

15 year pins were awarded to:  
EMT Cynthia Bechtel  
EMT Susan Chorey  
FF/EMT -I Kenneth W. Franks, III

10 year pins were awarded to:  
FF Robert Kane  
Lt. James Peltier

5 year pins were awarded to:  
Lt/EMT-P Christian P. Dano  
FF/EMT-P Paul Pierce  
FF/EMT-I Jason Roach  
FF John Tommaney  
FF Mark Sadowski  
FF Mat Rice  
FF David Wiles  
Fr. Craig Lister

**Discussion on local option taxes: Meals tax and hotel/motel tax.** Kevin Gill, owner of Owen O'Leary's Restaurant and the Southborough Motor Lodge spoke against the increase. He stated that the sales tax was just raised and that adding another tax would seriously affect his business and residents. Mr. Boland spoke with Steve Mauro, owner of Downtown Mauro's Café, who is against the increase. The Board is unanimous in that they do not support an increase in meal or hotel/motel taxes.

**Update from Police Chief Search Committee.** Desiree Aselbekian, Chairman, gave an update on the four meetings that the committee had held thus far. The deadline for applications is Monday, August 17, 2009. Mrs. Phaneuf asked for information on the salaries of local police chiefs for the next meeting, for the search committee request , so that the Board can define a salary range.

**Phil Rinehart, Facilities Manager.**

- **South Union School.** When the window sashes were removed from their casings it was discovered that some of the weights were missing. It was voted unanimously to approve change order #3, in the amount of \$2,491, for window weights and installation as presented in the document dated July 27, 2009. Mrs. Phaneuf asked that the entire committee come in at the next change order request to give an update.
- **Cordaville Hall gutter bid award.** Mrs. Phaneuf recused herself as her son has worked with Mr. Lahaye. Mr. Rinehart stated that there is no need for leaf guards at the back of the building. The Board voted 2-0 to approve the replacement of gutters at Cordaville Hall, in the amount of \$7,125.00, with work to be done by Stephen Lahaye.

**PILOT committee interviews:**

- **Paul Levenson.** Background includes teaching at college level, management experience and management consulting.
- **James Kane.** Background includes management and management consulting, with experience in the telecommunications industry.

It is unclear if the committee still exists or if it should be reactivated. The Board voted unanimously to either reconstitute the PILOT Committee or, if it still exists, that it be reactivated and consist of: Paul Cibelli, Principal Assessor; Brian Ballantine, Finance Director; Bonnie Phaneuf, James Kane and Paul Levenson.

**Council on Aging:**

- **Approve expenditures from Lakeside Donations account, amount not to exceed \$4,500.** The Council on Aging is requesting funding for some equipment for the Senior Center. The Board voted unanimously to approve the request, not to exceed \$4,500, for purchases itemized in a memo dated August 5, 2009.
- **Accept \$5,500 grant from BayPath Elder Services for a volunteer coordinator.** This position will supervise volunteers from Algonquin Regional High School providing services to seniors either at the Senior Center or Colonial Gardens. The Board voted unanimously to authorize acceptance of the grant as stated in a letter from Janet Cunningham, dates August 5, 2009.

**Review Town Meeting Warrant.** The Board discussed the warrant articles.

## **Reports**

- Chairman, Board of Selectmen. The Boston Globe will be publishing an article on PILOTs. The Executive Board of the Metrowest Growth Management Committee will be meeting on Thursday to interview candidates for the position of Executive Director.
- Assistant Town Administrator. The Board is invited to the Council on Aging October fest on Tuesday, October 30<sup>th</sup>.
- Mr. Boland. The Pilgrim Church may possibly make a donation to the Fire Department Ladder truck.
- Mrs. Phaneuf. SHOPC will be coming before the Board sometime in the next two months to discuss housing strategy.

## **Consent Agenda**

The Board voted unanimously to:

1. Approve the minutes of the following meetings: June 8, 2009, as amended; June 16, 2009, as amended; June 23, 2009, as amended; July 7, 2009, as amended and July 28, 2009.
2. Appoint Charles A. Keller, Jr., 47 Horne Way, Millbury, MA 01527-1958 as a Reserve Officer, term to expire June 30, 2010.
3. Appoint Sarah Cassell, 43 Homestead Road, Holden, to the Southborough Emergency Planning & Management Committee, for an indefinite term. (Youth & Family Services Representative – 1<sup>st</sup> Alternate position)
4. Accept a donation from Mr. & Mrs. Ralph Ellis for the Fire Donation account in the amount of \$100.00.
5. Accept a donation from the Randel family for the Fire Donation account in the amount of \$100.00.
6. Accept a donation from Friends of Youth & Family Services in the amount of \$4,762.76.

## **Other Business**

1. The Board set the Fall meeting schedule: September 8 and 22, 2009 and October 6 and 20, 2009.

Meeting adjourned at 8:35 pm.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**August 25, 2009**  
**MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Chairman opened the meeting at 6:30 p m.

**Discussion of salary range for Police Chief.** Desiree Aselbekian, Chairman of the Police Chief Search Committee, asked the Board for guidance on the salary range. After some discussion it was voted unanimously to provide a base salary range of \$89,000 to \$105,000 to the Police Chief Search Committee for use in interviews with candidates.

**Phil Rinehart, Facilities Manager – Fayville Hall change order.** Some unexpected work had to be done while replacing the roof. It was voted unanimously to approve the change order to All Weather Tite, in the amount of \$1,715, as stated in the invoice dated 8/7/2009.

**Municipal Facilities Committee: Interview candidates for committee vacancy.**

- **Peter Goodney.** Mr. Goodney works in public safety and would like to see the Police Department get a good building and residents get a facility that they deserve. He does not know enough about the options available to have an opinion on them.
- **David Shaffer.** Mr. Shaffer is in the construction business and favors a long term approach. He favors re-use over new, but has an open mind.
- **Scott Weiss.** Mr. Weiss is a Civil Engineer with land development design permitting and construction experience. At the moment, he has no opinion on the options available.

Mrs. Phaneuf stated that she has seen all three candidates attend committee meetings and would like to appoint all three. Mr. Giorlandino concurs, but Mr. Boland countered that there is only one vacancy on the committee and he sees no need to increase the size of the committee. A motion was made to appoint all three candidates and then amended to increase the size of the committee from five to seven members. The vote was 2-1 (Mr. Boland – no) in favor of the amended motion to increase the size of the committee. It was voted 2-1 (Mr. Boland – no) to appoint Peter Goodney, David Shaffer and Scott Weiss to the Municipal Facilities Committee with terms to expire June 30, 2010.

**Karen Galligan – DPW staffing structure.** Ms. Galligan would like to upgrade a position [being vacated by a retiring employee] from an SEIU Grade 2 position to a non-union SAP position. Ms. Galligan feels this will better reflect the work entailed in the position. The Board voted unanimously to notify the Personnel Board that the Board is in favor of the SAP position. She has been working toward this change since deciding not to fill the position of Assistant DPW Superintendent; some of those job-related tasks have been incorporated into the new position.

**Reports.**

- Chairman, Board of Selectmen.
  - Follow up on interviews for Executive Director for Metrowest Growth Management Committee.
  - Has received telephone calls and personal communications regarding PILOT issue.
  - Ladder Truck Committee – issue of how to fund the purchase.
- Town Administrator.
  - Names for Sexual Harassment Officer.
  - Assessment Center decision.
  - Goal setting.
  - \$36,000 credit from MIAA.

- Name of South Union School Building.

**Consent Agenda**

It was voted unanimously to:

1. Approve the minutes of the August 11, 2009 meeting, as amended.
2. Approve the agreement for use of DLTA funds for Route 9 analysis – Phase II, at an estimated cost of \$36,450, and to authorize Mrs. Kitchen, Town Administrator, to sign the agreement.
3. Reconstitute the PILOT Committee and appoint the following members, with terms to expire June 30, 2009.
  - Bonnie J. Phaneuf
  - Brian Ballantine
  - Paul Cibelli
  - James Kane
  - Paul Levenson

**WARRANTS**

22	\$348,524.32	8/14/09	TOWN PAYABLES
23	\$34,203.43	8/14/09	SCHOOL ENC PAYABLES
<b>TOTAL</b>	<b>\$382,727.75</b>		

24	\$2,066,371.70	8/21/09	TOWN PAYABLES
25	\$7,758.50	8/21/09	CHAPTER 90
26P	\$298,177.30	8/21/09	SCHOOL SUMMER PAYROLL
27P	\$75,729.84	8/21/09	SCHOOL PAYROLL
28P	\$256,384.53	8/19/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$2,704,421.87</b>		

Meeting adjourned at 8:15 pm.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
September 8, 2009  
MCALIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:55 pm.

**Discussion/approval of contract for Police Chief Assessment Center.** All three Board members preferred BadgeQuest over MMA Consulting Group Inc. and would like them to start right away. It was voted unanimously to hire BadgeQuest to perform duties outlined for the Police Chief Search. Mrs. Phaneuf would like to see BadgeQuest observe interviews, prepare a budget exercise, develop a questionnaire for all PD personnel, Town Administrator and Board of Selectmen and to set up a psychological evaluation with an outside vendor. Desiree Aselbekian, Chairman of the Police Chief Search Committee, does not feel that the assessment center is needed as all their questions have been answered by Town Counsel, but would have no problem with BadgeQuest observing interviews. Mr. Boland does not feel that BadgeQuest would undermine the committee as they would be looking at the resumes that come out of the committee's preliminary screening. Mr. Giorlandino suggested that a committee representative and a BadgeQuest representative get together to go over the process.

**Public Hearing – proposed changes to the Code of the Town of Southborough, Ch. 81, Dogs and other Animals.** Mr. Giorlandino opened the hearing. Interim Police Chief Moran stated that this would bring the Town into conformity with State law, and that Town Counsel has reviewed and approved it. Mr. Giorlandino closed the hearing. The Board voted unanimously to support Article 8 at the Special Town Meeting amending the Code of the Town of Southborough, Ch. 81, Dogs and other Animals.

**Public Hearing – proposed new solicitor law.** Mr. Giorlandino opened the hearing. Interim Police Chief Moran stated that the current by-law is very weak and that they continue to have problems with solicitors. Town Counsel has reviewed the article and is in favor of it. Mr. Butler, Advisory Committee, suggested some clarifications, Mr. Hegarty, Advisory Committee, suggested a change to the ending time and Mr. Langella, Advisory Committee, amended the ending time. Mr. Boland suggested including a definition of "premises". Mr. Giorlandino closed the hearing. It was voted unanimously to support Article 9 at the Special Town Meeting, Ch. 133, Door-to-Door Solicitation, as amended this evening.

**Public Hearing – new marijuana by-law.** Mr. Giorlandino opened the hearing. Interim Police Chief Moran stated that the wording is approved by the Attorney General. There was a discussion as to the wording regarding criminality. Action was deferred until it can be reviewed by Town Counsel. Mr. Giorlandino closed the hearing.

**Fire Chief re: request to fill firefighter/Paramedic vacancy.** Fire Chief Mauro explained the need for this position to be filled. He has received 61 applications, 9 of which were from paramedics and two of those were Firefighter Academy trained. He has applied for a State grant of approx. \$94,000. It was voted unanimously to allow the Fire Chief to fill the vacant Firefighter/Paramedic position.

**Review of Special Town Meeting warrant articles; Selectmen's position on articles; Fire Ladder Truck Committee's presentation to BOS.** Mr. Giorlandino thanked the Fire Ladder Truck Committee for all their hard work. There was a discussion on how to fund the purchase of the ladder truck. Mrs. Phaneuf suggested that they use \$400,000 from Stabilization and bond the remaining balance. Mr. Boland is in favor of using some money from Stabilization; he has not yet determined an appropriate amount. Mr. Giorlandino suggested taking a position at the next meeting as they should have a better idea of what is needed at that time.

**Reports.**

Town Administrator.

- Candidate for Sexual Harassment Officer at next meeting.
- Met with Mass Highway re: Northborough/Southborough Road bridge.

Chairman, Board of Selectmen.

- Letter from Town Clerk re: Assistant Town Clerk position being non-union.
- Fay School letter to Facilities Committee re: PILOT.

Mrs. Phaneuf. 150 Cordaville Road.

**Consent Agenda**

The Board voted unanimously to:

1. Approve the minutes of the August 25, 2009 meeting, as amended.
2. Approve a 2% merit increase for Susan Wood, Administrative Secretary, with a salary of \$17.81/hr effective 9/9/09.
3. Accept a denotation of \$40.00 from Deborah Isabelle to be allocated to the ambulance donation account.

**Other Business**

1. Unanimously approved the appointment of Lee Bartolini to the vacant position on the Zoning Advisory Committee, with a term ending June 30, 2010, contingent on the Planning Board approving him as an at-large member.
2. Unanimously approved awarding the contract for the Town House chimney reconstruction to EEE Construction of Clinton, MA, in the amount of \$4,892.00, contingent on receiving all insurance certificates.

**WARRANTS**

33	\$357,104.59	9/4/09	TOWN PAYABLES
34P	\$490,009.90	9/4/09	SCHOOL PAYROLL
35P	\$313,058.18	9/2/09	TOWN PAYROLL
TOTAL	\$1,160,172.67		

36	\$151,140.27	9/11/09	TOWN PAYABLES
37	\$4,108.00	9/11/09	CHAPTER 90
38P	(\$1,360.04)	9/4/09	PAYROLL VOID
TOTAL	\$153,888.23		

Meeting adjourned at 11:00 pm

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

BOARD OF SELECTMEN  
September 15, 2009  
MCAULIFFE HEARING ROOM

Present: Salvatore Giorlandino, Bill Boland, Bonnie Phaneuf, Vanessa Hale, Assistant Town Administrator. Jean Kitchen, Town Administrator, was away attending a conference.

At the start of the meeting, Chairman Giorlandino reported the sad news that former Selectman Thomas McAuliffe died today. He served as a selectman for 27 years. Funeral arrangements are not known at this time.

Police Chief Search Committee

Members present included: Desiree Aselbekian, Chair; Barbara Murphy, Paul Smith, John Rooney, David Rueger.

The Board met with committee members to discuss the status of the recruitment process and assessment center. The Board has retained a consultant, Badge Quest. The Board thanked the committee for their efforts and many meetings thus far.

Selectmen Giorlandino told the committee the Board has retained Badge Quest as a consultant to assist the Board of Selectmen to facilitate an assessment center which will measure candidate skills and judgment. The consultant will also help with all the necessary outside evaluations and background checks of the candidates. The Board envisions that the Police Chief Search Committee may recommend a slate of 4-6 candidates to the Selectmen to take part in the assessment center exercises. Selectmen Giorlandino stated that BadgeQuest has been involved in the interview process in other communities.

Ms. Aselbekian noted interviews will begin this week. On September 30<sup>th</sup>, they will have a final discussion about who shall be forwarded to the Selectmen. The committee's work should be completed by that date.

Mr. Rooney, a member of the search committee, added that the consultant should be involved now with his experience to help the committee from this point on.

Mrs. Phaneuf made a motion to have Mr. Unsworth, of BadgeQuest observe the interviews. Mr. Smith stated that using a professional makes sense to him but is unsure at what point that should take place. Ms. Aselbekian said that only committee members can sit in; the Selectmen disagree since they are the appointing authority and the town's chief executives. Mr. Boland added this is a professional consultant being used or he would not be brought in. Mr. Giorlandino read in to the record the memo from Mr. Unsworth (attached). He reaffirmed that he would work cooperatively with the committee in any capacity that is agreed upon between the Selectmen and the search committee, and will provide any services that is deemed desirable. He has expressed an interest in getting the committee's input, as a tool to help him design the assessment center. Mr. Rooney feels the consultant can help the committee and it's wise to have him observe. The board voted unanimously to support Mrs. Phaneuf's motion that BadgeQuest will observe the interviews.

The Board agreed he [Unsworth] should review the [8] resumes ahead of time, would ask no questions and would not participate during the interviews. He would be available after the interviews conclude to provide any other knowledge or expertise he can offer before a final recommendation has been made to the Selectmen.

The Board reiterated that their directive to the search committee was that Mr. Unsworth shall observe only as an expert consultant to the committee, but shall not participate in the interviews unless requested by the committee. He shall then deliberate with the committee on September 30, 2009 when the committee discusses and approves a list of finalists for the police chief position to be forwarded to the board of selectmen.

The Board directed the Assistant Town Administrator to provide copies of resumes of all individuals to be interviewed to the consultant expert [Unsworth] on Wednesday September 16, 2009. All resumes and other information communicated to Mr. Unsworth shall be confidential. Ms. Aselbekian thinks these need to go back to the full committee.

It was agreed that the board will not attend the interviews, nor will the town administrator. Mr. Boland still feels that the town administrator should be there. Mrs. Phaneuf originally agreed but changed her mind now that Mr. Unsworth has been retained as the Board's consultant.

Respectfully submitted by Vanessa D. Hale, Assistant Town Administrator

**BOARD OF SELECTMEN**  
**Monday, September 21, 2009**  
**MCAULIFFE HEARING ROOM**

- Present: Salvatore Giorlandino, Bill Boland, Bonnie Phaneuf, Jean Kitchen, Town Administrator, Aldo Cipriano Town Counsel.

- Also Present: David Coombs Moderator, Paul Berry Town Clerk, John Butler Advisory Committee, Interim Police Chief Moran, DPW Superintendent Karen Galligan, Fire Chief John Mauro.

Selectmen Giorlandino call the Board of Selectmen to order at 5:03pm

Moderator Coombs reviewed each article motion and Town Counsel denoted the vote required. The Selectmen also determined who would read each article motion, and who likely would give a summary of the article. Jim Colleary from the Ladder Truck Committee noted that they would have a 20 minute power point presentation which should eliminate many questions.

The meeting was adjourned at 5:45 p.m.

**BOARD OF SELECTMEN  
MEETING MINUTES  
September 22, 2009  
MCALIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

Mr. Giorlandino opened the meeting at 6:30 pm.

**Recreation Comm. Re: skate park locations and new trolley trail.**

- Doreen Ferguson, Recreation Director, suggested 44 Central Street as another possible location for the skate park. Upon discussion it was decided that it would not be a good location.
- Ben Willis, Eagle Scout, will be working on creating a new trail along the trolley path from Boston to Worcester, which was abandoned in the 1930's. His Scout troop will be able to maintain the trail. Mr. Willis was given some suggestions as to how to proceed.

**Sexual Harassment Officer interview – Greg Manousos.** Mr. Manousos is a resident that has practiced labor law for 15 years and regularly conducts sexual harassment prevention training. He has no clients in Southborough and is not involved in any cases in Southborough. It was unanimously voted to appoint Gregory Manousos as Sexual Harassment Officer, with term to expire on June 30, 2010.

**Jane Cain, Library Director – employee evaluations.**

- It was voted unanimously to approve a 2% merit increase for Heidi Lindsey, Library Assistant, with a salary of \$21.21/hr retro-active to 9/4/2009.
- It was voted unanimously to approve a 2% merit increase to Patricia Ellis, Library Assistant, with a salary of \$20.36/hr retro-active to 9/4/2009.

**Northboro Road bridge update.** John Woodsmall, Town Engineer; John Mauro Jr., Fire Chief and Karen Galligan, DPW Superintendent, updated the Board on the project. They anticipate a mid-October start date, but MHD is still working on getting permits from CSX. There was a discussion of signage and alternate routes. Mr. Boland and Mr. Giorlandino would prefer to use Police details rather than civilian flaggers.

**Andrew Mills – use of CPC funds by the Historical Comm. To further develop police station design.** Mr. Mills, CPC Chairman, asked for clarification on the Board's position on using CPC funds for the Historical Commission's plan to add/renovate the police station. Mr. Falconi, Historical Commission Chairman, said they need about \$15,000. Mr. Boland said that there is not enough information on the plan and that it is too large a sum of money to come from administrative funds. Mrs. Phaneuf explained that any use of CPC funds in any amount to develop plans for the police station (David Falconi stated that the plans they wanted to develop were for the renovation of the existing police station, not the plans for the addition to the Police Station), proper procurement must be followed in using the funds (i.e. in determining the architect/designer to develop the plans). In addition, these plans will be the property of the Town of Southborough (as would any plans developed using Town funds). In addition, should the Town (Town Meeting) determine to go forward with any plan developed by the Historical Commission, it will be the Facilities Committee, not the Historical Commission that will proceed with the further development of the plan and building.

Mr. Giorlandino is not averse to using CPC funds to help them but would like to see something more definitive, and proposed that the Historical Commission submit a more detailed plan with a dollar amount.

**Discussion with Advisory – funding of articles and other preparation for Special Town Meeting.** Advisory informed the Board of their vote on the Special Town Meeting articles. There was particular discussion on the need for a new cruiser, funding of the ladder truck and the wording of the marijuana by-law.

**Jane Moran, Interim Police Chief – approval to post vacant job.** This is to fill the position vacated by Jonathan Cornett. It was voted unanimously to authorize Interim Chief Moran to fill the vacant Communications Officer position under standard Town hiring procedures.

## **Reports.**

### Town Administrator.

- Met with Assabet re: Capital projects and need for someone from Southborough to be on their new building committee.
- Sexual harassment training sessions were held today for all employees.
- Meeting with Tufts (health Insurance) re: proposal for costs for seniors. Doesn't see going forward with S. 18A this as it will be too costly.

### Mrs. Phaneuf.

- Town Counsel needs to advise on reinstatement of anyone who gave their notice because of proposed senior health insurance article at the September Special Town Meeting.
- PILOT Committee meeting.

Mr. Boland. Attended Regional School Committee meeting and reiterated the Board's position.

### **Consent Agenda**

The Board voted unanimously to:

1. Approve FMLA leave for Kevin Landry.
2. Accept the resignation of Jonathan Cornett, Communications/Special Officer.
3. Voted to deny a merit increase for David Maida, Communications Officer, and asked that a new review be submitted in six months.
4. Vote Thursday, March 11, 2010 as Southborough Unscheduled, but noted that the BOS is unable to commit to that at this time due to busy meeting schedule at this time of year.
5. To reappoint the following members to the Southborough Cultural Arts Council:
  - Emily van Nort, 12 Hillside Avenue, term to expire July 10, 2011.
  - Karin Trachtenberg, 3 Rockpoint Road, term to expire September 20, 2011.
  - Lynne McKay, 10 Ledge Hill Road, term to expire September 4, 2011.
  - Julia E. Schneiderman, 12 Moulton Road, term to expire September 25, 2011.
  - John D. Wiswall, 12 Moulton Road, term to expire September 25, 2011.

### **Other Business**

Approval of the revised Sexual Harassment policy was held until Mr. Manousos has a chance to look at it.

### WARRANTS

<u>45</u>	<u>\$105,341.03</u>	<u>9/25/09</u>	<u>TOWN PAYABLES</u>
<u>46</u>	<u>\$920.50</u>	<u>9/25/09</u>	<u>CHAPTER 90</u>
<u>47</u>	<u>\$40,201.72</u>	<u>9/25/09</u>	<u>SCHOOL PAYABLES</u>
<u>48</u>	<u>\$116,356.40</u>	<u>9/25/09</u>	<u>SCHOOL PAYABLES</u>
<u>49</u>	<u>\$57,921.10</u>	<u>9/25/09</u>	<u>SCHOOL ENC PAYABLES</u>
<u>TOTAL</u>	<u>\$320,740.75</u>	-	-

At 9:10 pm, on roll-call vote (Mr. Boland – aye, Mrs. Phaneuf – aye, Mr. Giorlandino – aye), the Board entered Executive Session to discuss collective bargaining.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN  
MEETING MINUTES  
October 6, 2009  
MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:10 pm.

**Police Chief Search update.** Desreee Aselbekian, Police Chief Search Committee Chairman, and Stephen Unsworth of BadgeQuest came before the Board. Mr. Giorlandino thanked the members of the search committee for their hard work. Ms. Aselbekian gave an overview of the process used by the committee. Out of thirty-two resumes eight were chosen as candidates, one of whom dropped out. The seven remaining were interviewed by the committee and the interviews were observed by Mr. Unsworth. From those seven, four finalists were chosen. The four finalists will go through the assessment process, which was summarized by Mr. Unsworth. The four finalists are: Holden Lt. David Armstrong, Southborough Interim Chief Jane Moran, Westfield Lt. Hipolito Nunez and Framingham Lt. Paul Shastany.

**Request of Town Clerk to remove the position of Assistant Town Clerk from SEIU 888 and add position to the Salary Administration Plan (under Personnel Board).** Paul Berry, Town Clerk, explained why he felt that the position should be removed from the union and placed in management. Union members disagreed with Mr. Berry and explained why they felt that it should be left as is. The Board is in favor but would like to see an updated job description and a list of local towns where the position is management and not union. A decision was held to the next meeting.

**Karen Galligan, DPW Superintendent.**

- **Vote to extend sodium chloride contract for 2009-2010 season.** The Board voted unanimously to renew the contract with Granite State Mineral, Inc., 227 Market Street, Portsmouth, NH in the amount of \$67.03/ton for Mined Salt Delivered.
- **Vote to continue to use the state contract for gasoline and diesel fuel delivery.** The Board voted unanimously to continue to use the state contract for both gasoline and diesel fuel delivery, at the same rate as last year.
- **Award contract for DPW facility grading and paving.** Funding for this bid is from Article 15 of the 1994 Special Town Meeting. The Board voted unanimously to award the contract for DPW Facility Grading and Paving to Massachusetts Broken Stone Company, 332 Sawyer Hill Road, Berlin, MA in the amount of \$59,411.

**Reports.**

Town Administrator.

- New requirements from Ethics Committee
- Heritage Day parade
- Request for combined Planning Board and BOS meeting
- Date for goal setting

Mrs. Phaneuf.

- PILOT Committee meeting
- Letter from Building Inspector re: moving his office

Mr. Giorlandino.

- Metrowest Growth Management Committee search for Executive director

### **Consent Agenda**

The Board voted unanimously to:

1. Approve the minutes of September 8, 2009 as amended, September 21, 2009, and September 22, 2009 as amended. The September 15, 2009 minutes were held for a future meeting.
2. Appoint Deborah DeMuria to the Southborough Recycling Committee, for a term to expire June 30, 2010.
3. Approve a 2% merit increase for Maureen Colleary, Executive Assistant to the Board of Selectmen, with a salary of \$22.24/hr effective October 7, 2009.
4. Place Kenneth W. Franks, III on IOD for August 4, 2009 and August 6, 2009.
5. Accept a donation of \$20.00 from W.H. Baker to be allocated to the Fire Donation account.

### **Other Business**

1. Meetings were set for November 3 and 17, 2009 and December 1 and 15, 2009.
2. The unanimously approved the Sexual Harassment policy, with a corrected date of adoption.
3. The approval of the ladder truck contract was removed from the agenda.

#### **WARRANTS**

50	\$666,662.90	10/2/09	TOWN PAYABLES
51	\$3,160.00	10/2/09	CHAPTER 90
52	\$36,371.01	10/2/09	SCHOOL PAYABLES
53P	\$492,435.25	10/2/09	SCHOOL PAYROLL
54P	\$256,566.59	9/30/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,455,195.75</b>		

55C	\$19,961.46	10/9/09	TOWN PAYABLES
56	\$33,759.50	10/9/09	SCHOOL ENC PAYABLES
57	\$25,290.60	10/9/09	SCHOOL PAYABLES
<b>TOTAL</b>	<b>\$79,011.56</b>		

Meeting adjourned at 8:20 pm.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

## **BOARD OF SELECTMEN**

### **MEETING MINUTES**

***October 20, 2009***

### **MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

Mr. Giorlandino opened the meeting at 6:30 pm.

**Storm Ready Ceremony – Neal Aspesi.** Bob Thompson and Glenn Field of the National Weather Service gave a history of severe storms in this area and explained what led up to the creation of StormReady. Southborough is only the 9<sup>th</sup> community in Massachusetts to be declared Storm Ready. Hayden Frank, National Weather Service, explained the six requirements that had to be met and presented certificates to Sal Giorlandino, Chair BOS, Fire Chief John Mauro Jr. and Neal Aspesi. Mr. Aspesi explained why he decided to push to make Southborough Storm Ready.

#### **Interviews for Assabet Valley Regional Vocational School Building Committee position.**

- **Aidan O’Shea.** Mr. O’Shea runs a successful construction business and feels that his knowledge and expertise would be an asset to the committee.
- **Stephen Theran.** Mr. Theran is a mechanical engineer and currently is project manager for the Norwood High School building project.

Mrs. Kitchen explained the function of the committee. Neither candidate feels that the time commitment would be a problem. Based on his familiarity with school projects the Board voted unanimously to appoint Stephen Theran to the Assabet Valley Regional Vocational School Building Committee as the Southborough representative, term to expire June 30, 2010. Mrs. Phaneuf suggested that the Board appoint Mr. O’Shea to SHOPC. A letter will be sent asking him if he is interested since he had already left the meeting.

**Phil Rinehart – South Union School change order.** Mr. Rinehart is not totally in favor of this as it was part of the bid advertising. David Hart, Architect, explained why the change order is needed. Mr. Boland questioned why the overage for glazing since it was included in the bid. Steven White, of Whipple Construction, stated that all the items were discussed in meetings with, and approved by, the committee. Mr. Boland has concerns with some of the work that has been done. Mr. Giorlandino stated that the Board is not pleased and suggested that they withdraw the change order and come back at a later date with something that the Board could vote in favor of, as this would fail. Mrs. Phaneuf feels that the parties need to sit down and discuss the issue. The request was withdrawn and they will come back with a new change order on November 17, 2009.

**Phil Rinehart – request use of Bldg. Maint. Fund for Town House heating coil \$6,000.** Two heating coils need to be replaced. It was discovered that when these coils were last replaced, by a different company, that they were replaced with residential grade coils rather than commercial grade. Mr. Giorlandino would like a letter from Delta stating that the coils that are being replaced were meant for residential use. Mr. Boland would like a written guarantee from Delta stating that they are using the correct parts. It was voted unanimously to award the contract for replacement of two commercial grade heating coils to Delta Mechanical HVAC LLC in the amount of \$6,600.00, with funds to come from Article 16 of the FY09 Town Meeting.

**Phil Rinehart & Dave Gusmini re: office space.** Mr. Gusmini explained why he would like his office moved to

the vacant Board of Health space, stating that the noise from the computer room was disruptive, that there are space constraints when meeting with the public, and that he would like his Administrative Secretary to be moved into the office for better day to day coordination. He and Mr. Rinehart explained how they would accomplish creating an office and providing heating and ventilation. Mr. Boland does not think this is necessary. The Board voted 2 – 1 (Mr. Boland – nay) to allow the Building Inspector to move to the empty space formerly occupied by the Board of Health, and for it to be retrofitted as specified this evening with funding to come from Article 16 of the FY09 Town Meeting, for an amount not to exceed \$800.00.

**Request of Town Clerk to remove the position of Assistant Town Clerk from SEIU 888 and add position to the Salary Administration Plan (under Personnel Board).** This item is continued from the October 6, 2009 meeting. Mr. Berry, Town Clerk, provided an updated job description. He reiterated that it is a change for the position, not the individual. John Magner, SEIU Legal Representative, said that the request should be placed with the State Department of Labor or be part of union negotiations and, because of that, the union does not support the change. Mr. Berry and Mr. Giorlandino respectfully disagree with the union. The Board voted unanimously to approve the request to move the position of Assistant Town Clerk to the Salary Administration Plan and proceed with Personnel Board review, with the new job description.

**Interim Police Chief request for use of flaggers.** It was agreed that this was worded incorrectly as Interim Chief Moran does not agree with the use of flaggers on this project. The Massachusetts Turnpike Authority wants to use civilian flaggers on two projects even though their own study shows the speed and traffic count both exceed the recommended limits for civilian flaggers. Fire Chief Mauro agrees that the projects should not utilize civilian flaggers. The Board voted unanimously to send a letter to Helmut Ernst, Chief Engineer for the Massachusetts Turnpike Authority, stating that the Board, on behalf of the Town of Southborough, recommend that trained, professional, police officers be hired for this project.

#### **Karen Galligan – update on Main Street.**

- **Main Street.** Ms. Galligan updated the Board on the history of the project and the current design alternatives.
- **Clean energy grant.** Ms. Galligan explained the projects she wishes to fund with the grant money. It was voted unanimously to approve the purchase of three solar powered trash compactors and to provide a day of hands-on science classes for Trottier School 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> graders by Green Schools.
- **Surplus DPW equipment.** Ms. Galligan went over the list of equipment. It was voted unanimously to declare the DPW items surplus, as requested.
- **Septic system bid award for cemetery.** The Facilities Department will oversee the work. It was voted unanimously to award the bid for 11 Cordaville Road Septic System Replacement to Maffei Excavating & Septic, LLC in the amount of \$18,400.00, with funding to come from the cemetery trust fund.

#### **Consent Agenda**

1. Approval of the September 15, 2009 minutes was held for a future meeting. The Board voted unanimously to approve the minutes of the October 6, 2009 meeting and the October 8, 2009 Executive Session.

The Board voted unanimously to:

2. Approve a 2% merit increase for Jeanne Survell, Administrative Secretary, with a salary of \$18.17/hr effective November 14, 2009.
3. Appoint Rev. Molly Scherm, St. Mark's School, 25 Marlboro Road, Southborough MA 01722 as a member of

the Southborough Emergency Planning & Management Committee – Primary- St. Mark’s School, for an indefinite term.

4. Appoint Jack Cullina, St. Mark’s School, 25 Marlboro Road, Southborough, MA 01722 as a member of the Southborough Emergency Planning & Management Committee – First Alternate – St. Mark’s School, for an indefinite term (change from Primary – St. Mark’s School).
5. Appoint Deborah Hart, 176 Woodland Road, Southborough, MA 01772 to the Southborough Youth Commission, term to expire June 30, 2012.
6. Accept resignation from Philip E. Bevins from the Conservation Commission.

### **Other Business**

1. Voted unanimously to approve the ladder truck contract subject to a conversation with Town Counsel.
2. Budget guidelines were held to the November 3<sup>rd</sup>, 2009 meeting. It was voted unanimously to institute a hiring freeze and limit overtime.
3. The goal setting date was held to the November 3<sup>rd</sup>, 2009 meeting.

At 9:25 pm, on roll call vote (Mrs. Phaneuf – aye, Mr. Boland – aye, Mr. Giorlandino – aye), the Board entered Executive Session.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**EMERGENCY EXECUTIVE SESSION  
OCTOBER 22, 2009 AT 6:00 P.M.  
TOWN OF SOUTHBOROUGH**

**Proceedings On Complaint Of Interim Chief of Police Jane Moran**

Meeting Commenced at 6:00 p.m.

Those in attendance are as follows: Salvatore M. Giorlandino, Bonnie Phaneuf, Bill Boland, Carla McAuliffe, Doreen Ferguson, Brian Ballentine, Jane Moran, Dawn Michanowicz, Jean Kitchen, Vanessa Hale, Vera Kolias, Karen Galligan, John Mauro, Barry Bachrach.

Motion Made by Mr. Giorlandino to go into emergency executive session pursuant to G.L. c. 39, § 23(b)(2), and not to return to public session. The purpose of this emergency executive session is fact finding regarding a complaint brought to the attention of at least two of the Selectmen regarding commentary that was made about Interim Police Chief Jane Moran at a gathering of Southborough Town employees after the September 29, 2009 Special Town Meeting at Pizzeria Uno as indicated in the e-mail sent by Town Administrator Jean Kitchen to the employees on Wednesday October 21, 2009 which stated that Special Southborough Town Counsel Barry Bachrach would be in attendance at the executive session and that attendance at the executive session was mandatory.

Roll Call Taken.

Mr. Giorlandino, Member and Chair of Board of Selectmen ("BOS"):

**I hereby vote to call the Executive Session Meeting to order.**

Bonnie Phaneuf, Member and Vice Chair of BOS:

**I vote Aye.**

Mr. Giorlandino, BOS Chair:

**This is a fact finding meeting wherein no decisions will be made tonight. The decision will be made on Thursday, October 29, 2009 at 6:00 p.m. at another Executive Session meeting.**

Mr. Boland, BOS member:

**I have a couple of questions. First, does tonight's meeting involve me? Also, will any discipline of anyone at this meeting be considered as a result of the meeting or information presented because, if so, I don't believe that proper notice was given for this meeting because 48-hours notice wasn't given and people weren't notified that they had the right to counsel.**

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

Mr. Giorlandino, BOS Chair:

**Mr. Boland.** On this past Monday evening, October 19, 2009, the Board received a complaint from interim Chief, Jane Moran that negative comments were made about her by town employees at a public gathering of town employees on September 29, 2009 at Pizzeria Uno's in Westborough, Massachusetts following the conclusion of the Special Town during the evening of September 29th.

Tonight's meeting is a fact finding meeting to find out what happened that night, what actions should be taken, and whether discipline actions may be taken. As discussed, though, no disciplinary actions will be taken at tonight's meeting. We have Special Town Counsel, Barry Bachrach, and here to explain the notice issue

Mr. Bachrach, Special Town Counsel:

**Tonight's Executive Session meeting is an emergency meeting, which means that the 48 hour requirement is not necessary, especially because:**

**This is an emergency fact finding session relating to the Interim Chief's complaints.**

Mr. Boland, BOS member:

**Well, I have done nothing wrong. I vote no to holding the Executive Session meeting because I still believe it violates the Open Meeting Law, G.L. c. 39, § 23A.**

Mr. Bachrach, Special Southborough Town Counsel:

**I disagree.**

Mr. Boland, BOS member:

**Well, I just want to state again that I believe the meeting violates the Open Meeting Law.**

The Board entered Executive Session

Mr. Giorlandino, BOS Chair:

**Let's move on.**

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

A complaint has been made that town employees, after Special Town Meeting, met at Pizzeria Uno for dinner and [REDACTED] town employees made negative comments about [REDACTED] at that dinner in public. Mrs. Phaneuf and I spoke to [REDACTED], on separate occasions who corroborated the event. I'd like to say that I find [REDACTED] to be trustworthy, professional and [REDACTED]

[REDACTED]:  
I was surprised this happened especially because we had the meeting this past July 2009 about liability in the work place and workshop on sexual harassment and harassment. But this was the sequence of events:

After the Special Meeting of September 29th, we worked all day and we knew we had the meeting that night so me and [REDACTED]. We learned after the meeting that people were going to Uno's. So [REDACTED] and I went together.

We sat at the table with [REDACTED]. I then noticed that they were talking about [REDACTED] were making disparaging remarks and ridiculing [REDACTED].

Three men then approached the table. I asked [REDACTED] "Who are they?" [REDACTED] said, "No worries, they're part of us." Neither [REDACTED] said anything. We then moved to a larger table in the middle of the restaurant. I don't recall the rest of the banter that night. I was very uncomfortable. I asked [REDACTED] if we could leave and he said "After we eat."

Mr. Giorlandino, BOS Chair:

Was [REDACTED] there?

[REDACTED]  
Yes. There were [REDACTED] in attendance. I didn't know who they were, only recognized the face of [REDACTED] individual. It was [REDACTED]

Mr. Giorlandino, BOS Chair:

Can you please provide examples of the slurs made that night?

[REDACTED]  
I can't repeat them verbatim, but the gist of the conversation was a) why did [REDACTED] get a new car; b) whatever [REDACTED] wants, [REDACTED] gets. I don't

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**remember or recall specifically what was said, but they were mocking and inappropriate. Mr. Boland was not there at the time.**

Mrs. Phaneuf, BOS Vice Chair:

**Did you leave Uno's with another party?**

[REDACTED]  
**I left with [REDACTED] left at the same time and [REDACTED] left at the same time.**

Mr. Boland, BOS member:

**I have no questions.**

Mr. Giorlandino, BOS Chair:

**Did [REDACTED] do anything about this talk at the time?**

[REDACTED]  
**[REDACTED] was smiling. So was the [REDACTED] [REDACTED] did nothing and neither did [REDACTED] [REDACTED] didn't say anything. Mr. Boland wasn't there.**

**How long did this conversation take?**

**About 20 minutes.**

**I was the sole subject of the conversation?**

**Yes.**

I prepared a statement that I would like to now read into the record. (Reads statement into the record) (A true and accurate copy of the Statement of Interim Chief is attached hereto.)

Were [REDACTED] subpoenaed?

Mr. Giorlandino, BOS Chair:

No. Remember, this is just a fact-finding meeting.

1st Statement of Fact: [REDACTED] is [REDACTED] on the Southborough Police Department and is Interim Chief Moran's subordinate.

2nd Statement of Fact: [REDACTED] is a Southborough town resident and a member of the [REDACTED].

3rd Statement of Fact: At the time of the gathering at Pizzeria Uno's, [REDACTED] was competing with [REDACTED] for the Police's Chief position.

4th Statement of Fact: The night of the Pizzeria Uno gathering: 9/29/09, was the night before the Southborough Police Chief Search Committee was to meet on 9/30/09 to discuss a proposed list of finalists to the BOS for the Chief of Police position.

5th Statement of Fact: The Police Search Committee interviewed seven candidates [REDACTED]

[REDACTED] I'd like to ask you some questions. Will you answer them?

[REDACTED]  
No. I have not been given sufficient notice pursuant to the Open Meeting Law, G.L. c.39, § 23A. I won't be making any comments.

Mr. Giorlandino, BOS Chair:

[REDACTED] you had a right to raise that objection prior to this meeting. I am notifying you now, this is a civil hearing. If you refuse to answer the Board's questions, then that will be construed against you.

[REDACTED]  
Again, I am not making any comments because I would like to have an attorney present and this meeting was not called according to the Open Meeting Law, G.L. c. 39, § 23A.

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Mr. Bachrach, Special Southborough Town Counsel:

**An emergency meeting supersedes the notice requirement.**

[REDACTED]

The Town's past practice has been that notices are sent certified mail, notifying parties of their right to counsel.

Mr. Giorlandino, BOS Chair:

[REDACTED] Did you meet with [REDACTED] yesterday morning relating to these issues?

Mr. Giorlandino, BOS Chair:

Let the record reflect that [REDACTED] refuses to answer by adopting or making an erroneous citation of the law which Special Town Counsel has noted is erroneous. This is an Emergency Executive Session and only a fact finding meeting due to complaints made by [REDACTED]

[REDACTED]

My civil rights have been violated. However, I will be happy to answer with proper notice.

Mrs. Phaneuf, BOS Vice Chair:

[REDACTED] I am very disappointed. I told you what tonight's meeting was about. I take exception to your saying you were not aware of what this meeting was about since I specifically told you it related to comments made about the Interim Police Chief at Uno's that certain town officials were making mocking and disparaging comments about her in public. I helped draft the October 21, 2009 e-mail sent to employees, (see attached).

[REDACTED]  
No.

Mrs.: Phaneuf, BOS Vice Chair:

Yes.

Mr. Giorlandino, BOS Chair:

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

I am going to ask again. Are you refusing to answer my questions?

[REDACTED]

Yes.

Mr. Giorlandino, BOS Chair:

[REDACTED]

[REDACTED]

I agree with [REDACTED]  
[REDACTED] I want to meet with our own counsel.

Mr. Giorlandino, BOS Chair:

Did you meet [REDACTED] about this yesterday? Are you still refusing to answer?

[REDACTED]

[Interrupts questioning with inaudible statement.]

Mr. Giorlandino, BOS Chair:

Let me explain the hierarchy here to you [REDACTED]. I am Chairman of the Board of Selectmen. [REDACTED] You were issued proper notice. You never brought these objections up before tonight's meeting.

I'm sorry for the death in your family [directed to [REDACTED]]. Let the record reflect that [REDACTED] refuses to answer based on erroneous citation of law that Special Town Counsel has advised is erroneous.

[REDACTED]

[REDACTED]

I don't believe proper notice was given.

Mr. Giorlandino, BOS Chair:

Let the record reflect that [REDACTED] refuses to answer based on erroneous citation of law that Special Town Counsel has advised is erroneous.

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

[REDACTED]  
[REDACTED]

I want personal counsel. I came here in good faith, but am completely unprepared for tonight's questioning. In fairness, I should have counsel and I should know what I am being accused of. Also, my own [REDACTED] was not notified of this meeting. I won't answer because I didn't know I was going to be questioned.

Mr. Giorlandino, BOS Chair:

I find that difficult to believe [REDACTED] I believe a number of you got together to formulate a strategy to delay tonight's meeting. Since you have all requested counsel, we will continue the meeting to October 29, 2009, to permit you all to have representation.

I will say I have a dim view of people having a strategy meeting to delay, especially if the [REDACTED] was involved as you have mentioned [REDACTED].

[REDACTED]

I would like a copy of the prepared statement by [REDACTED]

[REDACTED]

I am not delaying. I didn't know the list of questions and accusations. I want representation.

Mr. Giorlandino, BOS Chair:

[REDACTED] brought up no concerns before tonight. I do not take pleasure in meeting like this. However, [REDACTED] complaint must be handled. I am agitated, especially because I have talked for months about being careful about talking and specifically about what type of talk is not to be bantered about.

We will continue this matter until October 29, 2009 at 6:00 p.m. to accommodate your requests to be represented.

[REDACTED]

I would like a copy of the minutes.

Mr. Bachrach, Special Southborough Town Counsel:

The minutes cannot be sent to you because they are minutes relating to an Executive  
*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

**Session Meeting. They will be available for viewing by all of you and kept with the documents relating to the Executive Session Meetings.**

Mr. Giorlandino, BOS Chair:

[REDACTED]

[REDACTED]

After the meeting on September 29<sup>th</sup>, we all gathered at Uno's [REDACTED]  
[REDACTED] were all present. Mr. Boland came later. I don't  
recall any conversation about [REDACTED] I don't believe there was any  
conversation about [REDACTED]

[REDACTED]

I agree with [REDACTED] I don't remember what went on. I went to the bathroom. There  
were lots of conversations going on. I don't recall allegations against [REDACTED]

Mr. Giorlandino, BOS Chair:

So you can't say one way or another, just that you don't recall.

[REDACTED]

Right. Don't recall.

Mr. Giorlandino, BOS Chair:

During the time that [REDACTED] the position, have you ever heard  
[REDACTED] talking badly about [REDACTED]?

[REDACTED]

No.

[REDACTED]

[REDACTED]

No.

[REDACTED]

I don't recall any comments against [REDACTED]

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

Mr. Giorlandino, BOS Chair:

**You don't know though, right?**

[REDACTED]

No.

Mr. Giorlandino, BOS Chair:

**Have you ever heard negative talk about [REDACTED]**

[REDACTED]

No.

Mr. Giorlandino, BOS Chair:

**[REDACTED] You are not subject to inquiry.**

[REDACTED]

**As a town official, it is my understanding that you have to inform people of their right to counsel if there is a potential for discipline. Especially when I'm not sure if there are accusations against me. But I don't recall any conversations.**

Mrs. Phaneuf, BOS Vice Chair:

**The Board of Selectmen must bring the complaint to everyone's attention. If [REDACTED] was made aware of the comments she has the right to ask questions. I am disappointed if this did, in fact, take place because:**

**It took place in public; and**

**It took place with committee members on the [REDACTED] project, including 1 potential candidate for the chief of police position.**

**If the tables were turned, who would you go to for assistance? I am really disappointed. I had a conversation [REDACTED] The matter needed to be immediately addressed. If I hear about this from a town citizen, it could create major problems. Let's adjourn to October 29, 2009 at 6:00 p.m.**

Mr. Giorlandino, BOS Chair:

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

I, too, am disappointed. I have worked with all of you. I have always treated you with respect. But I have been treated disrespectfully tonight. None of you brought up these notice issues before tonight. The same goes for Mr. Boland, who:

- Has an obligation to raise concerns; and has
- Minimized and marginalized these issues.

Mr. Boland, BOS member:

**How did I minimize the issues?**

Mr. Giorlandino, BOS Chair:

**Mr. Boland, I am not going to debate the issue.**

[REDACTED]

I want to make a statement concerning the allegations you stated against me, but you won't let me.

Mr. Giorlandino, BOS Chair:

I am just very disappointed. I'm not going to debate this. I am very disappointed by the refusals to answer questions. Special Town Counsel has advised that we continue the meeting. Counsel can be there to represent individuals, but not cross-examine.

Mr. Bachrach, Special Southborough Town Counsel:

An individual has the right for someone (not necessarily an attorney) to represent them at the hearing. So in [REDACTED] case, if she wanted [REDACTED] to be there, she can.

[REDACTED]

Everything in this Executive Session is confidential, right?

Mr. Bachrach, Special Southborough Town Counsel:

Everything is confidential and should not be repeated.

[REDACTED]

Until the issues are resolved.

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

Mr. Bachrach, Special Southborough Town Counsel:

**Everything going on is confidential except to your attorney. Nothing else - no one outside of this room should know. That's with all executive sessions.**

Mr. Giorlandino, BOS Chair:

**Does anyone have any other questions?**

Mr. Boland, BOS member:

I am concerned about accusations of me about making remarks against [REDACTED] [REDACTED]. I explained what that situation was. I in no way made disparaging remarks against [REDACTED] It was a discussion about a cruiser or something else. I believe the comment overheard was in a conversation that went like: "[REDACTED] is still learning her job and has to learn how it works with the Advisory Committee."

Mr. Giorlandino, BOS Chair:

**You couldn't call her directly with your disparaging remarks?**

Mr. Boland, BOS member:

**I didn't make any disparaging remarks.**

Mr. Bachrach, Special Southborough Town Counsel:

**We want to keep control of this meeting. Let's stick to today's issues.**

Mr. Boland, BOS member:

I talk to various people daily in the Town Hall I was at Uno's, but not sure what time. Most people here at the meeting were there. I have a good memory for happenings at meetings, but not social functions. I don't believe anyone made comments about [REDACTED]

Mr. Giorlandino, BOS Chair:

**You came in after these alleged statements were made. They were made before you arrived.**

Mr. Boland, BOS member:

**Was I definitely not there? [REDACTED]**

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

[REDACTED]

**You were not.**

Mr. Boland, BOS member:

**I was there at the time. [REDACTED], if I have ever said something that offended you, I apologize. I have been accused tonight of conspiracy. For this meeting, I was told the executive session on October 22, 2009 was for fact finding. All of a sudden it came to me that I hope we're not going to discipline people based on what we're learning. If we're not going to discipline, then I have no problem with the meeting.**

Mr. Bachrach, Special Southborough Town Counsel:

**By request, we're giving those requesting counsel the opportunity to do so. I don't know what your point is.**

Mr. Boland, BOS member:

**My point is I don't know why you [Mr. Giorlandino] don't want my response.**

Mr. Giorlandino, BOS Chair:

**We'll have another executive session then on October 29, 2009. I want an oral confirmation from everyone that you have all been notified that you have the right to counsel at the executive session scheduled for October 29, 2009 at 6:00 p.m. We will make the minutes available to all of you.**

Mr. Bachrach, Special Southborough Town Counsel:

**We will get them typed up as soon as possible and put them with executive session papers.**

Mr. Giorlandino, BOS Chair:

**You have all agreed and acknowledged sufficient notice for the meeting of October 29, 2009 at 6:00 p.m., right?**

[REDACTED]

[REDACTED]

**Yes**

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

**Yes.**

[REDACTED]  
**Yes.**

Mr. Giorlandino, BOS Chair:

**All parties in the room acknowledge that they have been given sufficient notice of the upcoming executive session meeting. I hereby make motion to continue the Executive Session until 6:00 p.m. on October 29, 2009.**

Mrs. Phaneuf, BOS Vice Chair:

**I second the motion and vote aye.**

Mr. Boland, BOS member:

**I vote aye.**

Mr. Giorlandino, BOS Chair:

**I vote aye. By a 3-0 vote, this executive session is continued to October 29, 2009 at 6:00 p.m.**

Meeting Ended at 7:00 p.m.

*The Board of Selectmen voted to release these minutes on July 13, 2010 by a 2-1 vote; Mr. Rooney voted in the negative and voted to release the un-redacted version of the minutes.*

Approved by  
John S. B.  
wfb

**EMERGENCY EXECUTIVE SESSION**  
**OCTOBER 22, 2009 AT 6:00 P.M.**  
**TOWN OF SOUTHBOROUGH**

**Proceedings On Complaint Of Interim Chief of Police Jane Moran**

Meeting Commenced at 6:00 p.m.

Those in attendance are as follows: Salvatore M. Giorlandino, Bonnie Phaneuf, Bill Boland, Carla McAuliffe, Doreen Ferguson, Brian Ballentine, Jane Moran, Dawn Michanowicz, Jean Kitchen, Vanessa Hale, Vera Koliias, Karen Galligan, John Mauro, Barry Bachrach.

Motion Made by Mr. Giorlandino to go into emergency executive session pursuant to G.L. c. 39, § 23(b)(2), and not to return to public session. The purpose of this emergency executive session is fact finding regarding a complaint brought to the attention of at least two of the Selectmen regarding commentary that was made about Interim Police Chief Jane Moran at a gathering of Southborough Town employees after the September 29, 2009 Special Town Meeting at Pizzeria Uno as indicated in the e-mail sent by Town Administrator Jean Kitchen to the employees on Wednesday October 21, 2009 which stated that Special Southborough Town Counsel Barry Bacharach would be in attendance at the executive session and that attendance at the executive session was mandatory.

Roll Call Taken.

Mr. Giorlandino, Member and Chair of Board of Selectmen ("BOS"):

**I hereby vote to call the Executive Session Meeting to order.**

Bonnie Phaneuf, Member and Vice Chair of BOS:

**I vote Aye.**

Mr. Giorlandino, BOS Chair:

**This is a fact finding meeting wherein no decisions will be made tonight. The decision will be made on Thursday, October 29, 2009 at 6:00 p.m. at another Executive Session meeting.**

Mr. Boland, BOS member:

**I have a couple of questions. First, does tonight's meeting involve me? Also, will any discipline of anyone at this meeting be considered as a result of the meeting or information presented because, if so, I don't believe that proper notice was given for this meeting because 48-hours notice wasn't given and people weren't notified that they had the right to counsel.**

Mr. Giorlandino, BOS Chair:

**Mr. Boland. On this past Monday evening, October 19, 2009, the Board received a complaint from interim Chief, Jane Moran that negative comments were made about her by town employees at a public gathering of town employees on September 29, 2009 at Pizzeria Uno's in Westborough, Massachusetts following the conclusion of the Special Town during the evening of September 29th.**

**Tonight's meeting is a fact finding meeting to find out what happened that night, what actions should be taken, and whether discipline actions may be taken. As discussed, though, no disciplinary actions will be taken at tonight's meeting. We have Special Town Counsel, Barry Bachrach, and here to explain the notice issue**

Mr. Bachrach, Special Town Counsel:

**Tonight's Executive Session meeting is an emergency meeting, which means that the 48 hour requirement is not necessary, especially because:**

**This is an emergency fact finding session relating to the Interim Chief's complaints.**

Mr. Boland, BOS member:

**Well, I have done nothing wrong. I vote no to holding the Executive Session meeting because I still believe it violates the Open Meeting Law, G.L. c. 39, § 23A.**

Mr. Bachrach, Special Southborough Town Counsel:

**I disagree.**

Mr. Boland, BOS member:

**Well, I just want to state again that I believe the meeting violates the Open Meeting Law.**

The Board entered Executive Session

Mr. Giorlandino, BOS Chair:

**Let's move on.**

**A complaint has been made that town employees, after Special Town Meeting, met at Pizzeria Uno for dinner and two town employees made negative comments about the Interim Chief at that dinner in public. Mrs. Phaneuf and I spoke to Assistant Town Clerk, Dawn Michanowicz, on separate occasions who corroborated the event. I'd like to say that I find Dawn to be trustworthy, professional and I am sorry to see her go because she will be the Town Clerk for the Town of Sterling the week after next.**

Ms. Michanowicz, Asst. Town Clerk:

**I was surprised this happened especially because we had the meeting this past July 2009 about liability in the work place and workshop on sexual harassment and harassment. But this was the sequence of events:**

**After the Special Meeting of September 29th, we worked all day and we knew we had the meeting that night so me and Brian (Ballentine) car pooled. We learned after the meeting that people were going to Uno's. So Brian and I went together.**

**We sat at the table with Jean, Vanessa, Vera, and Karen. I then noticed that they were talking about Interim Chief Moran. Karen and Vera were making disparaging remarks and ridiculing her.**

**Three men then approached the table. I asked Vera "Who are they?" Vera said, "No worries, they're part of us." Neither Jean nor Vanessa said anything. We then moved to a larger table in the middle of the restaurant. I don't recall the rest of the banter that night. I was very uncomfortable. I asked Brian if we could leave and he said "After we eat."**

Mr. Giorlandino, BOS Chair:

**Was [REDACTED] there?**

Ms. Michanowicz, Asst. Town Clerk:

**Yes. There were [REDACTED] in attendance. I didn't know who they were, only recognized the face of one individual. It was [REDACTED]**

Mr. Giorlandino, BOS Chair:

**Can you please provide examples of the slurs made that night?**

Ms. Michanowicz, Asst. Town Clerk:

**I can't repeat them verbatim, but the gist of the conversation was a) why did she [Interim Chief] get a new car; b) whatever Jane wants, Jane gets. I don't**

**remember or recall specifically what was said, but they were mocking and inappropriate. Mr. Boland was not there at the time.**

Mrs. Phaneuf, BOS Vice Chair:

**Did you leave Uno's with another party?**

Ms. Michanowicz, Asst. Town Clerk:

**I left with Brian. Jean Kitchen left at the same time and Carla McAuliffe left at the same time.**

Mr. Boland, BOS member:

**I have no questions.**

Mr. Giorlandino, BOS Chair:

**Did Jean Kitchen do anything about this talk at the time?**

Ms. Michanowicz, Asst. Town Clerk:

**Jean was smiling. So was the Assistant Town Administrator, Vanessa Hale. The Town Administrator did nothing and neither did the Assistant Administrator. Mrs. Ferguson didn't say anything. Mr. Boland wasn't there.**

Interim Police Chief Moran:

**How long did this conversation take?**

Ms. Michanowicz, Asst. Town Clerk:

**About 20 minutes.**

Interim Police Chief Moran:

**I was the sole subject of the conversation?**

Ms. Michanowicz, Asst. Town Clerk:

**Yes.**

Interim Police Chief Moran:

I prepared a statement that I would like to now read into the record. (Reads statement into the record)] (A true and accurate copy of the Statement of Interim Chief is attached hereto.)

Were [REDACTED] subpoenaed?

Mr. Giorlandino, BOS Chair:

No. Remember, this is just a fact-finding meeting.

1st Statement of Fact: [REDACTED] is [REDACTED] on the Southborough Police Department and is Interim Chief Moran's subordinate.

2nd Statement of Fact: [REDACTED] is a Southborough town resident and a member of the [REDACTED].

3rd Statement of Fact: At the time of the gathering at Pizzeria Uno's, [REDACTED] was competing with Interim Chief Police Chief Moran for the Police's Chief position.

4th Statement of Fact: The night of the Pizzeria Uno gathering: 9/29/09, was the night before the Southborough Police Chief Search Committee was to meet on 9/30/09 to discuss a proposed list of finalists to the BOS for the Chief of Police position.

5th Statement of Fact: The Police Search Committee interviewed seven candidates, including [REDACTED]

Ms. Kitchen. I'd like to ask you some questions. Will you answer them?

Ms. Kitchen, Southborough Town Administrator:

No. I have not been given sufficient notice pursuant to the Open Meeting Law, G.L. c.39, § 23A. I won't be making any comments.

Mr. Giorlandino, BOS Chair:

Ms. Kitchen, you had a right to raise that objection prior to this meeting. I am notifying you now, this is a civil hearing. If you refuse to answer the Board's questions, then that will be construed against you.

Ms. Kitchen, Southborough Town Administrator:

Again, I am not making any comments because I would like to have an attorney present and this meeting was not called according to the Open Meeting Law, G.L. c. 39, § 23A.

Mr. Bachrach, Special Southborough Town Counsel:

**An emergency meeting supersedes the notice requirement.**

Ms. Kitchen, Southborough Town Administrator:

**The Town's past practice has been that notices are sent certified mail, notifying parties of their right to counsel.**

Mr. Giorlandino, BOS Chair:

**Ms. Kitchen. Did you meet with Mr. Boland and Town Planner yesterday morning relating to these issues?**

Mr. Giorlandino, BOS Chair:

**Let the record reflect that Ms. Kitchen refuses to answer by adopting or making an erroneous citation of the law which Special Town Counsel has noted is erroneous. This is an Emergency Executive Session and only a fact finding meeting due to complaints made by Interim Police Chief.**

Ms. Kitchen, Southborough Town Administrator:

**My civil rights have been violated. However, I will be happy to answer with proper notice.**

Mrs. Phaneuf, BOS Vice Chair:

**Jean. I am very disappointed. I told you what tonight's meeting was about. I take exception to your saying you were not aware of what this meeting was about since I specifically told you it related to comments made about the Interim Police Chief at Uno's that certain town officials were making mocking and disparaging comments about her in public. I helped draft the October 21, 2009 e-mail sent to employees, (see attached).**

Ms. Kitchen, Southborough Town Administrator:

**No.**

Mrs.: Phaneuf, BOS Vice Chair:

**Yes.**

Mr. Giorlandino, BOS Chair:

**I am going to ask again. Are you refusing to answer my questions?**

Ms. Kitchen, Southborough Town Administrator:

**Yes.**

Mr. Giorlandino, BOS Chair:

**Ms. Hale?**

Vanessa Hale, Southborough Assistant Town Administrator:

**I agree with Jean. I'm just coming back to work today and didn't know anything about this. I want to meet with our own counsel.**

Mr. Giorlandino, BOS Chair:

**Did you meet with Mr. Boland about this yesterday? Are you still refusing to answer?**

Ms. Kitchen, Southborough Town Administrator:

[Interrupts questioning with inaudible statement.]

Mr. Giorlandino, BOS Chair:

**Let me explain the hierarchy here to you Ms. Kitchen. I am Chairman of the Board of Selectmen. You are just the Town Administrator. You were issued proper notice. You never brought these objections up before tonight's meeting.**

**I'm sorry for the death in your family [directed to Ms. Hale]. Let the record reflect that Ms. Hale refuses to answer based on erroneous citation of law that Special Town Counsel has advised is erroneous.**

**Ms. Galligan?**

Karen Galligan, Southborough DPW Superintendent:

**I don't believe proper notice was given.**

Mr. Giorlandino, BOS Chair:

**Let the record reflect that Ms. Galligan refuses to answer based on erroneous citation of law that Special Town Counsel has advised is erroneous.**

**Vera Kolias?**

Vera Kolias, Southborough Town Planner:

**I want personal counsel. I came here in good faith, but am completely unprepared for tonight's questioning. In fairness, I should have counsel and I should know what I am being accused of. Also, my own Chair of the Planning Board was not notified of this meeting. I won't answer because I didn't know I was going to be questioned.**

Mr. Giorlandino, BOS Chair:

**I find that difficult to believe Vera. I believe a number of you got together to formulate a strategy to delay tonight's meeting. Since you have all requested counsel, we will continue the meeting to October 29, 2009, to permit you all to have representation.**

**I will say I have a dim view of people having a strategy meeting to delay, especially if the Planning Board was involved as you have mentioned Ms. Kolias.**

Mrs. Galligan, Southborough DPW Superintendent:

**I would like a copy of the prepared statement by Interim Police Chief Moran.**

Ms. Kolias, Southborough Town Planner:

**I am not delaying. I didn't know the list of questions and accusations. I want representation.**

Mr. Giorlandino, BOS Chair:

**Ms. Kolias brought up no concerns before tonight. I do not take pleasure in meeting like this. However, the Interim Police Chiefs complaint must be handled. I am agitated, especially because I have talked for months about being careful about talking and specifically about what type of talk is not to be bantered about.**

**We will continue this matter until October 29, 2009 at 6:00 p.m. to accommodate your requests to be represented.**

Mrs. Galligan, Southborough DPW Superintendent:

**I would like a copy of the minutes.**

Mr. Bachrach, Special Southborough Town Counsel:

**The minutes cannot be sent to you because they are minutes relating to an Executive**

**Session Meeting. They will be available for viewing by all of you and kept with the documents relating to the Executive Session Meetings.**

Mr. Giorlandino, BOS Chair:

**Ms. McAuliffe?**

Carla McAuliffe, Southborough Town Accountant:

**After the meeting on September 29<sup>th</sup>, we all gathered at Uno's. Vanessa, Jean, Karen, Vera, Brian, Dawn and Ms. Ferguson were all present. Mr. Boland came later. I don't recall any conversation about the Interim Chief. I don't believe there was any conversation about the Interim Chief.**

Brian Ballentine, Southborough Town Treasurer

**I agree with Carla. I don't remember what went on. I went to the bathroom. There were lots of conversations going on. I don't recall allegations against the Interim Chief.**

Mr. Giorlandino, BOS Chair:

**So you can't say one way or another, just that you don't recall.**

Mr. Ballentine, Southborough Town Treasurer:

**Right. Don't recall.**

Mr. Giorlandino, BOS Chair:

**During the time that the Interim Chief has held the position, have you ever heard Town Hall people talking badly about her?**

Ms. McAuliffe, Southborough Town Accountant:

**No.**

Mr. Ballentine, Southborough Town Treasurer:

**No.**

Doreen Ferguson, Executive Director, Southborough Recreation Commission:

**I don't recall any comments against the Chief**

Mr. Giorlandino, BOS Chair:

**You don't know though, right?**

Mrs. Ferguson, Executive Director, Southborough Recreation Commission:

**No.**

Mr. Giorlandino, BOS Chair:

**Have you ever heard negative talk about Interim Chief?**

Mrs. Ferguson, Executive Director, Southborough Recreation Commission:

**No.**

Mr. Giorlandino, BOS Chair:

**Chief Mauro. You are not subject to inquiry.**

Chief Mauro, Southborough Fire Department Chief:

**As a town official, it is my understanding that you have to inform people of their right to counsel if there is a potential for discipline. Especially when I'm not sure if there are accusations against me. But I don't recall any conversations.**

Mrs. Phaneuf, BOS Vice Chair:

**The Board of Selectmen must bring the complaint to everyone's attention. If the Interim Chief was made aware of the comments she has the right to ask questions. I am disappointed if this did, in fact, take place because:**

**It took place in public; and**

**It took place with committee members on the [REDACTED] project, including 1 potential candidate for the chief of police position.**

**If the tables were turned, who would you go to for assistance? I am really disappointed. I had a conversation with Dawn Michanowicz. The matter needed to be immediately addressed. If I hear about this from a town citizen, it could create major problems. Let's adjourn to October 29, 2009 at 6:00 p.m.**

Mr. Giorlandino, BOS Chair:

**I, too, am disappointed. I have worked with all of you. I have always treated you with respect. But I have been treated disrespectfully tonight. None of you brought up these notice issues before tonight. The same goes for Mr. Boland, who:**

- Has an obligation to raise concerns; and has
- Minimized and marginalized these issues.

Mr. Boland, BOS member:

**How did I minimize the issues?**

Mr. Giorlandino, BOS Chair:

**Mr. Boland, I am not going to debate the issue.**

Mr. Boland, BOS member:

**I want to make a statement concerning the allegations you stated against me, but you won't let me.**

Mr. Giorlandino, BOS Chair:

**I am just very disappointed. I'm not going to debate this. I am very disappointed by the refusals to answer questions. Special Town Counsel has advised that we continue the meeting. Counsel can be there to represent individuals, but not cross-examine.**

Mr. Bachrach, Special Southborough Town Counsel:

**An individual has the right for someone (not necessarily an attorney) to represent them at the hearing. So in Vera's case, if she wanted her Chair of the Planning Board to be there, she can.**

Ms. Michanowicz, Asst. Southborough Town Clerk:

**Everything in this Executive Session is confidential, right?**

Mr. Bachrach, Special Southborough Town Counsel:

**Everything is confidential and should not be repeated.**

Ms. Michanowicz, Asst. Southborough Town Clerk:

**Until the issues are resolved.**

Mr. Bachrach, Special Southborough Town Counsel:

**Everything going on is confidential except to your attorney. Nothing else - no one outside of this room should know. That's with all executive sessions.**

Mr. Giorlandino, BOS Chair:

**Does anyone have any other questions?**

Mr. Boland, BOS member:

| **I am concerned about accusations of me about making remarks against Interim Chief Moran in the Town Administrator's office. I explained what that situation was. I in no way made disparaging remarks against the Interim Chief. It was a discussion about a cruiser or something else. I believe the comment overheard was in a conversation that went like: "Jane is still learning her job and has to learn how it works with the Advisory Committee."**

Mr. Giorlandino, BOS Chair:

**You couldn't call her directly with your disparaging remarks?**

Mr. Boland, BOS member:

**I didn't make any disparaging remarks.**

Mr. Bachrach, Special Southborough Town Counsel:

**We want to keep control of this meeting. Let's stick to today's issues.**

Mr. Boland, BOS member:

**I talk to various people daily in the Town Hall I was at Uno's, but not sure what time. Most people here at the meeting were there. I have a good memory for happenings at meetings, but not social functions. I don't believe anyone made comments about the Interim Chief.**

Mr. Giorlandino, BOS Chair:

**You came in after these alleged statements were made. They were made before you arrived.**

Mr. Boland, BOS member:

**Was I definitely not there? [Directed to Dawn Michanowicz, Asst. Town Clerk.]**

Ms. Michanowicz, Asst. Southborough Town Clerk:

**You were not.**

Mr. Boland, BOS member:

**I was there at the time. Interim Chief Moran, if I have ever said something that offended you, I apologize. I have been accused tonight of conspiracy. For this meeting, I was told the executive session on October 22, 2009 was for fact finding. All of a sudden it came to me that I hope we're not going to discipline people based on what we're learning. If we're not going to discipline, then I have no problem with the meeting.**

Mr. Bachrach, Special Southborough Town Counsel:

**By request, we're giving those requesting counsel the opportunity to do so. I don't know what your point is.**

Mr. Boland, BOS member:

**My point is I don't know why you [Mr. Giorlandino] don't want my response.**

Mr. Giorlandino, BOS Chair:

**We'll have another executive session then on October 29, 2009. I want an oral confirmation from everyone that you have all been notified that you have the right to counsel at the executive session scheduled for October 29, 2009 at 6:00 p.m. We will make the minutes available to all of you.**

Mr. Bachrach, Special Southborough Town Counsel:

**We will get them typed up as soon as possible and put them with executive session papers.**

Mr. Giorlandino, BOS Chair:

**You have all agreed and acknowledged sufficient notice for the meeting of October 29, 2009 at 6:00 p.m., right?**

**Ms. Hale?**

Ms. Hale, Assistant Southborough Town Administrator:

**Yes**

Ms. Kitchen., Southborough Town Administrator:

**Yes.**

Ms. Koliass, Southborough Town Planner:

**Yes.**

Mr. Giorlandino, BOS Chair:

**All parties in the room acknowledge that they have been given sufficient notice of the upcoming executive session meeting. I hereby make motion to continue the Executive Session until 6:00 p.m. on October 29, 2009.**

Mrs. Phaneuf, BOS Vice Chair:

**I second the motion and vote aye.**

Mr. Boland, BOS member:

**I vote aye.**

Mr. Giorlandino, BOS Chair:

**I vote aye. By a 3-0 vote, this executive session is continued to October 29, 2009 at 6:00 p.m.**

Meeting Ended at 7:00 p.m.

**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**October 27, 2009**  
**MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

Mr. Giorlandino opened the meeting at 7:00 pm.

**Main Street design plan presentation by Karen Galligan, DPW Superintendent.**

Ms. Galligan introduced John Bouchard, of VHB, who went over the scope of the project, reviewed the project status and the process to date. There are three corridor segments of the project.

- Sears Road to Common Street. Of the two alternatives, VHB recommends using 11' lanes with 4' shoulders.
- Common Street to Town Common. Out of four alternatives VHB recommends 11' lanes with 9' parking, relocating the stone wall and making Common Street one way.
- Cordaville Road to Park Street. There are three alternatives and VHB has no recommendation on this. Residents would prefer to see 4' shoulders and 2 sidewalks.

The stone walls would be restored using a dry mortar method so that it looks like no mortar was used.

They expect the final design stage to be from December 2010 through March 2011.

Dr. Stone asked to what extent we have to comply with Mass Highway and stated that he didn't see a need for the revision. Mr. Boland responded that we need to rely on State assistance or funding.

The majority of the evening was spent on discussion of the parking issue, particularly in the Town Common Area. Steve Phillips feels that parking would commercialize the neighborhood and take away the residential character of the neighborhood. Ray Hokanson and David Parry stated similar concerns. Steve Morris, of Morris Funeral Home, would like to see parking as people currently park on the sidewalk during calling hours and funerals. Don Morris stated that he was initially against parking but is now in favor of it. Kate Matison, Historical Commission, said that the Historical Commission is against parking at the common area. Fire Chief Mauro stated his public safety concerns and feels that parking east of Route 85 will impact response times. He requested that there be no parking for 50' on either side of the Fire Station driveway on both sides of the road. Mary Hynes, Planning Board, explained that the Board struggled with the parking issue but ultimately voted for parking. Mr. Giorlandino read a memo from the Planning Board.

The moving of the stone wall on the Town Common is another controversial piece of the project. David Falconi, Historical Commission stated that the commission is not in favor of moving the wall. Steve Morris said that the wall needs to be moved for safety, not just to provide space for parking. Mrs. Phaneuf is concerned about finding matching stones for the wall if it is moved, the height of the wall and the mature trees being removed. Mr. Boland feels that it makes sense to move the wall if the State will pay to rebuild it and that parking is needed in that area. He asked if it could be done with less than 9 foot parking lane.

Ms. Galligan requested that the Board vote on a concept to be brought to 25% design.

Mr. Giorlandino closed public input at 9:40 pm.

Mr. Boland said that some short term parking needs to be maintained. He is in favor of 4' shoulders with parking and needs to look at the wall issue.

Mrs. Phaneuf agrees that short term parking needs to be maintained but is not in favor of the spaces being striped. She would like to know what the land takings are. She is not in favor of moving the wall and does not want to see parking on the north side next to the wall.

Mr. Giorlandino is not in favor of moving the wall and feels that we need some parking. He agrees with a comment that was made earlier about the Town thinking about this for a while now and the project needs to move forward. The Board voted unanimously to move the project forward.

#### **Other Business**

It was voted unanimously to accept the resignation, with regret, of Brian Shea from the Municipal Facilities Committee.

#### **WARRANTS**

65	\$603,021.61	10/30/09	TOWN PAYABLES
66	\$36,175.29	10/30/09	SCHOOL ENC PAYABLES
67	\$228,812.35	10/30/09	SCHOOL PAYABLES
69P	\$501,397.34	10/30/09	SCHOOL PAYROLL
70P	\$242,199.71	10/28/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,611,606.30</b>		

The meeting adjourned at 9:50 pm.

Respectfully submitted,

Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**November 3, 2009**  
**MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

**Interim Chief Moran – interview full-time communications officer position and discuss filling part-time communications officer position.** Interim Chief Moran gave an overview of the position and the process used to determine the two finalists. She and Fire Chief Mauro interviewed the two finalists and are recommending that Michael R. Cunningham be hired to fill the position. The Board voted unanimously to appoint Michael R. Cunningham as full-time Communications Officer with an SEIU Grade 2 salary at \$16.77/hr, subject to a background check, psychological screening and other requirements, with an approximate start date of November 17, 2009.

Interim Chief Moran requested that the runner-up, Craig P. Thompson, be appointed as part-time Communications Officer. The Board voted unanimously to appoint Craig P. Thompson as part-time Communications Officer with an SAP minimum salary, subject to a background check and other requirements and after completion of requested paperwork.

**Change order – Triangle Park project.** Nancy Vargas, MBTA Triangle Committee Chairman, and Vera Koliias, Town Planner, explained that the additional costs were due to ledge and a large boulder in the excavation area. Ms. Vargas updated the progress of the project. It was voted unanimously to approve the Mountain View Landscapes and Lawncare, Inc. change order in the amount of \$1,238.83, conditional on the contract not saying “guaranteed maximum price”.

**Town House hours.** The financial savings of the current hours were discussed. There are no plans to change the current hours, at this time, but the Board wanted it known that, because of fiscal constraints, the Town House hours may have to be reduced in the next fiscal year.

**FY 2011 budget guidelines.** Jean Kitchen, Town Administrator, is recommending a level funded budget, rather than level service. The unions would still get step increases but no COLAs. There would be no merit increases under SAP. All non-monetary warrant items should be specified in a memo. Mr. Giorlandino said that it pained him to have to recommend that department budgets factor in budget cuts. All departments, including schools, will be asked to submit a level dollar budget and a budget that incorporates cuts of 3% (the percentage may change). There will be no new programs, and fees for current programs should be enough to cover costs. Mr. Boland said that department heads should let the Board know what contract step increases will be.

**Library Trustee interviews.** Mr. Giorlandino opened the joint meeting with the Library Trustees for the purpose of interviewing candidates for the vacant Library Trustee position. The following candidates were interviewed:

- Beth Rosenbloom, who feels that they need to get more people to appreciate the library and get more people in.
- Bryan Moody, who would like to see more people come into the library to do research the old fashioned way.
- Richard Wallace, who feels that the library needs additional programs and should emphasize the library as a place for children. He also feels that the library should reach out to other groups.
- Liz Kesselman, who thinks the library needs better visibility and would like to see the website improved.
- Carla Caforio withdrew her application.

The Library Trustees had not interviewed the candidates and did not have a recommendation. The BOS interviewed all four candidates. On voice vote, both Boards voted unanimously to nominate Beth Rosenbloom as

Southborough Library Trustee. It was voted unanimously, by both Boards, to appoint Beth Rosenbloom as Southborough Library Trustee.

## Reports

### Mr. Giorlandino.

- The Lt. Governor will be appearing at the Metrowest Growth Management Committee meeting at the Natick Public Library on Thursday at 1:00 p.m.
- Email correspondence re: reverse 911.
- Email from Ms. Kitchen re: meeting with State Representatives.
- Email from Fire Chief re: waiver options with paramedics.

### Ms. Kitchen.

- Health insurance re-enrollment for retirees.
- Country Gourmet license no longer in good standing.
- Assabet Vocational High School opening Bio-tech lab on November 10<sup>th</sup> at 6:30 p.m.

### Mrs. Phaneuf.

- Asked the Board to review a draft plan of Main Street to give guidance to the DPW Superintendent so she can develop the plan as discussed at the October 27<sup>th</sup> meeting.

## **Consent Agenda**

The Board voted unanimously to:

1. Approve the minutes of the December 12, 2008 meeting, as amended; the March 11, 2009 meeting, as amended; the September 15, 2009 meeting, as amended; the October 20, 2009 meeting, as amended; the Executive Session May 19, 2009 and the Executive Session of October 20, 2009, as amended.

## **Other Business**

1. It was voted unanimously to extend the Fuss and O'Neill engineering services contract for three more years, subject to review by Town Counsel and adequate proof of insurance.
2. The Board of Selectmen's goal setting meeting will be held on Tuesday, November 24<sup>th</sup>, 2009 at 6:00 p.m. in the Town House.
3. The Conservation Commission vacancy will be taken up at the December 1, 2009 meeting.
4. Announcement: Police Chief selection
  - i. The Board of Selectmen will interview the four finalists for the Southborough Police Chief position beginning at 6:30 p.m., Monday, November 16, 2009; and
  - ii. The Board of Selectmen will name the permanent Police Chief at its regularly scheduled meeting of Tuesday, November 17, 2009.

## **WARRANTS**

71	\$85,121.84	11/6/09	TOWN PAYABLES
72	\$9,107.00	11/6/09	CHAPTER 90
<b>TOTAL</b>	<b>\$94,228.84</b>		

Meeting was adjourned at 8:50 p.m. Respectfully submitted by Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**November 16, 2009**  
**MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

**Police Chief Interviews**

Mr. Giorlandino read the names of the four candidates, and reviewed the process used for their selection. Mr. Giorlandino explained the interview process that will be used this evening: each candidate will be allowed to give an opening and closing statement and will be questioned by the Board of Selectmen, and there will be time allotted for public comment.

The Board thanked the citizen Police Chief Search Committee for their hard work, and also thanked Retired Waltham Police Chief Stephen Unsworth, of BadgeQuest, for his assistance in the assessment process.

The Board's questions related to experience, and response to such things as difficult situations and possible misconduct within the department. Mr. Giorlandino said that he is looking for a Police Chief who has the qualities of leadership, courage, judgment, and integrity. Mrs. Phaneuf asked each candidate about his/her experience in the hiring of police department personnel such as dispatchers, patrol officers and administrative staff. Follow-up question to this was have you had the opportunity to participate in the promotion process of any department personnel? The Town of Southborough has a combined Police/Fire dispatch center located in the police department, all employees performing the duties of dispatching are supervised by the Police Chief what experience do you have with 911 equipment and the dispatching for EMS, Calling in mutual aide, and the fire department radio equipment needs? Mr. Boland asked questions pertaining to actual situational experiences as a police chief. Mr. Giorlandino asked each candidate to provide specific life and professional experiences demonstrating that they possess the character traits of leadership, courage, judgment, and integrity necessary for a Police Chief.

The Board asked the same questions of each of the candidates, but had the flexibility to ask any follow-up questions of the candidates from the answers provided.

Hipolito Nunez

Mr. Nunez is a Lieutenant in the Westfield Police Department. He thanked the Police Chief Search Committee and stated that he has 25 years of experience in policing, has been involved in the Boys and Girls Club for 30 years and would like to build a police department that is community orientated. He stated that he knows that it is a big risk to hire someone from outside that they know nothing about. To look to him for change, and that he would give 110% and work diligently to make Southborough the best in the state.

Jane Moran

Ms. Moran is currently the Interim Police Chief in Southborough, serving in that capacity for the past year. She has 25 years of policing experience, 16 of those as Sergeant. Ms. Moran thanked the BOS and the Police Chief Search Committee. She listed her accomplishments over the years, which include: starting the DARE and Explorer programs, resolving an ongoing grievance between the union and town and bringing warrant articles before town meeting. In closing, she stated that working for town government has different challenges than working under civil service.

David Armstrong

Mr. Armsrtong is a Lieutenant in the Holden Police Department, with 24 years experience. He stated that he is very goal oriented and believes in building partnerships. He thanked the BOS and the Police Chief Search Committee and stated that he was impressed with the Assessment Center.

Paul Shastany

Mr. Shastany is a Lieutenant in the Framingham Police Department with over 30 years experience. He thanked the Board and said that he fell into policing by accident after two friends were killed. He has a sense of fairness, likes to help people, has an appreciation for the struggle of others and has confidence in his abilities.

Public comment.

Mr. Giorlandino explained the assessment center process and named the people involved. He also stated that the assessment center information is not public information. Several police officers and residents thanked the Board for allowing them to be part of the process, and all spoke in support of Jane Moran.

Resident Jack Merrill of Wood Street, asked the Board to describe the police chief search process; Mr. Giolandino asked Mrs. Phaneuf to address this question she stated that this was her second time as a member of this board to appoint a Police Chief the first in 2003 when Chief Webber was appointed. I'm glad you ask this question there are a few differences the size of the Police Chief Search Committee, Badge Quest being brought in earlier, having the Badge Quest send out a confidential questionnaire to all members of the Southborough Police Department, the Board of Selectmen and the Town Administrator to gather information. In 2003, the Selectmen established an ad hoc committee of three citizens to conduct a search for the 2003 appointment. The Committee advertised the position, they also interviewed two firms to conduct an assessment center. The search committee received thirty-three (33) resumes for consideration. After review of all the resumes, the Committee offered nine (9) applicants initial interviews. (*consultant services not used*) The committee members developed the interview questions and asked the applicants the same series of questions in order to ensure uniformity between the interviews and consistency throughout the hiring process. After the interviews the committee narrowed the applicant pool down to five (5) applicants (*consultant services not used*) and four (4) were referred to the Assessment Center conducted by Mark Morse of MMA consulting (not affiliated with Mass Municipal Association). Only three were forwarded to the Selectmen after background checks were completed. Chief Webber was appointed in the beginning of December. The 2009 process: The Selectmen established the Police Chief Search Committee, an ad hoc committee of seven (7) citizens to conduct the pre-screening of applicants and determine finalists for the position of Police Chief. The Committee received thirty- two (32) resumes for consideration. After review of all resumes, the Committee decided to interview eight (8) applicants, Steve Unsworth of Badge Quest observed each applicant being interviewed. The Committee narrowed the applicant pool down to four (4) after discussion on each candidate and gathered insight from the expert consultant. This Board reviewed and approved the job description for the position of Police Chief, advertised the position and interviewed two firms to conduct an assessment center, the board awarded the contract to Chief Steve Unsworth. The four candidates attended the full day Assessment Center, all three Selectmen attended as observers only. This process was open from the very beginning and discussed at numerous meetings.

**WARRANTS**

73	\$1,696,208.09	11/13/09	TOWN PAYABLES
74P	\$500,763.17	11/13/09	SCHOOL PAYROLL
75P	\$243,912.56	11/10/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$2,4440,883.82</b>		

At 9:25 p.m. it was voted unanimously to continue on Tuesday, November 17, 2009 at 7:00 pm

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**November 17, 2009**  
**MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

**Phil Rinehart – South Union School change order.** Mr. Rinehart said that repairs were found to be needed on window units after they were removed from their frames. The original request was for \$9,287.86 but was reduced to \$8,428.96 when errors in billing were found. The Board voted unanimously to approve Whipple Construction change order #4 in the amount of \$8,428.96. It was voted unanimously to authorize the Chairman to sign change order #4, as approved this evening. Kate Matison of the Historical Society thanked all those involved in the project and town residents who voted “yes” for the restoration.

**Request to set salary for Asst. Town Clerk.** Paul Berry, Town Clerk, asked the Board to set the starting salary for an Assistant Town Clerk, with eight years experience, at \$23.00/hr. This salary falls within SEIU 888 guidelines. The former Assistant Town Clerk, with eight years of service, was making \$23.66/hr. The Town Clerk and BOS would like to see this become an administrative position, under SAP salary guidelines, instead of under the union. The BOS directed the Town Clerk, with the assistance of the Assistant Town Administrator, to make each applicant aware of this possibility in writing as part of the application process and that it require a signature understanding this position could become a position outside the union. It was voted unanimously to authorize the Town Clerk to proceed with hiring an Assistant Town Clerk under SEIU 888 Grade 3, with a salary up to \$23/hr providing they meet the required eight years experience as an Administrative Secretary or Assistant Town Clerk.

**Police Chief Appointment.** This is a continuation of last night’s meeting. Mr. Giorlandino thanked the citizen Police Chief Search Committee for the work done over the summer and stated that they did a job that went well above the call of duty. He also thanked retired Waltham Police Chief Stephen Unsworth of BadgQuest, and his team, for their assistance. Mr. Giorlandino named the four candidates and thanked them for putting their names forward and subjecting themselves to a rigorous assessment center and interview process.

Mrs. Phaneuf said that it was a very lengthy/interesting process and that each and everyone of the candidates could serve in the Town of Southborough as Police Chief. She stated that after reviewing each candidate’s resume, attending the full day assessment center exercise along with the public interviews of each candidate last evening, she strongly recommends Jane Moran be appointed Chief of the Southborough Police Department. She has demonstrated honesty and integrity, has considerable years of law enforcement experience, has the necessary collective bargaining skills to work with the two unions in the department, understands the department needs for today and its future, is committed to this department and this community, was instrumental in developing the Police Explorer Program and other programs for our youth. Over this past year, Interim Chief Moran identified organizational changes that were necessary for the department and made them, prevented grievances by working with the department unions and resolved an ongoing grievance, developed a budget for the department and stayed within that budget, stood firm on the needs of the department with the passage of several warrant articles at town meeting. Her reference letters indicate a positive working relationship with three Police Chiefs in the area.

Mr. Boland said that this was one of the most difficult decisions he has had to make. He said that all were outstanding candidates. He wrestled with his decision, reviewing the resumes numerous times and making phone calls to check references. Knowing that his decision will be unpopular, and doing his best to shoot him down, he feels that Lt. Shastany is the best candidate.

Mr. Giorlandino stated that each candidate passed his test last night. After giving his decision quite a bit of thought and time he feels that Southborough should stay the course and appoint Jane Moran as she has a well documented record of police work, has done an admirable job this past year and has earned the respect of the staff of the department. He commended the officers for attending the meeting last night and for coming forward to speak in support of Ms. Moran. He read into the record letters of recommendation from the Police Chiefs of

Ashland, Hopkinton and Westborough as well as those of Lee Bartolini and a resident of Hopkinton who approached Mr. Giorlandino at church. Mr. Giorlandino stated that Ms. Moran's appointment would represent the best of Southborough's past, present and future. Mr. Boland said that, with all due respect to Mr. Shastany, he has no qualms about appointing Ms. Moran and made a motion to unanimously appoint Jane Moran as Southborough Police Chief, subject to a satisfactory background check, credit check, physical and psychological examinations and successful contract negotiations. The motion was voted unanimously.

## Reports.

Town Administrator. Mrs. Kitchen informed the Board that a bill is being heard before the legislature on the request to change EMS districts.

## Consent Agenda

1. It was voted unanimously to accept the minutes of the following meetings: October 27, 2009, as amended; November 3, 2009, revised and stamped 11/17/2009; and the June 30, 2009 Executive Session.
2. Acceptance of PILOT from New England Center for Children was held to the next meeting.  
It was voted unanimously to table until the next meeting.
3. Accept the resignation of Sandra Worcester from the Historical Commission, effective November 2, 2009.
4. Accept the resignation of Tom McCarthy from the Historical Commission and Municipal Facilities Committee, effective October 30, 2009.
5. Accept the resignation of Joseph Hubley from the Community Preservation Committee (Historical Commission Representative), effective November 4, 2009.
6. Place Heidi Lindsey on FMLA leave, effective October 30, 2009.
7. Accept the resignation of Jane Giorgio from the Southborough Scholarship Advisory Committee, effective November 9, 2009.
8. Accept a \$250 donation from the Worcester County DA's office for the Southborough Law Enforcement Fund for DARE.

## WARRANTS

76	\$166,835.20	11/20/09	TOWN PAYABLES
77	\$8,426.11	11/20/09	CAFETERIA PAYABLES
78	\$245,544.89	11/20/09	SCHOOL PAYABLES
TOTAL	\$420,806.20		

Meeting adjourned at 8:20 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN**  
**November 24, 2009**  
**MCAULIFFE HEARING ROOM**

Present: Salvatore Giorlandino, Chairman; Bill Boland; Bonnie Phaneuf; Jean Kitchen, Town Administrator; Tim Norris, Special Labor Counsel.

**Labor Counsel hourly rate**

The Board met with their special labor counsel, Tim Norris of Collins. Loughran & Peloquin, to discuss the firm's request for an increase in its hourly payment rate. In October of 2007, the rate was set at \$165 per hour which the firm informed the Board was a discounted rate. The firm states that the rate is now \$20 less than the firm's standard hourly fee rate of \$185.00. In January, 2009, the firm stated that it wanted to raise the rate from \$165 to \$175 eff. January 1, 2009, and raise the rate from \$175 to \$180 on July 1, 2010 for the whole fiscal year 2011 (July 1, 2010 to June 30, 2011). Mr. Boland stated that he agrees with the firm's fee increase request and appreciates the good service from the firm. Atty. Norris stated that he would have to discuss with his partners any further negotiations with the Board regarding the firm's proposed hourly rate. The firm's proposed \$180/hr. rate is approximately a 10% increase over the current rate of \$165. Mr. Giorlandino said he might consider agreeing to \$175 hourly rate but not committing to a higher rate for FY11. The Board would like to know if the firm would agree to \$175 through FY11. Atty. Norris asked if \$175/hr. through December 2010 would be acceptable. The discussion on the firm's proposed hourly rate did not conclude this evening and was continued to the Board's next meeting.

**Goal setting for FY10**

The Board reviewed accomplishments from FY09 and discussed goals for the current fiscal year 2010 (July 1, 2009 to June 30, 2010). [see attached document]

**PILOT**

The Board voted unanimously to accept an \$18,000 PILOT donation from Harvard University. The Board agreed that PILOT money should be kept intact as a lump sum and appropriated as requested [and approved by the BOS] for the Police, Fire, and DPW Departments.

**Other Business**

The Board approved a request from the Zoning Advisory Committee to use \$4,800 of engineering and consulting funds.

**Town Administrator report**

- The Building department budget is anticipated to be \$4,000 in arrears; Mr. Gusmini will be requesting a reserve fund transfer; the BOS voted to recommend this and voted it 3-0
- Evaluating noise control on the first floor, which includes Mr. Rinehart looking at office space configuration
- SBAB compromise will be brought back to the next town meeting – based on an overwhelming vote at the ATM 2009, the BOS is not in favor of adding this to the ATM warrant.
- Working on flexible spending account proposal with health insurance consultants, a future agenda item
- Broken window at arts center, claim being filed
- Ashland and Hopkinton have asked us to discuss regional dispatch
- Board wants to know if the dead tree by the cannon at the Veterans Memorial will be coming down
- Atty. Busconi has returned closed legal files from his law office; [Atty. Busconi previously served as Town

Counsel]. The files are locked in the basement. The Board asked Ms. Kitchen to notify Atty. Cipriano, current Town Counsel, that the files are now with the town.

#### **Chairman's report**

- MWGM executive director still available
- Mrs. Phaneuf said she received a complaint – police vehicles behind the fire station idling, they should be on the road, not in the parking lot idling. She asked if mileage can be tracked per shift, what cruisers have been assigned per officer per shift – identify to Chief Moran that it has been a concern in the past as well [under Chief Webber & Chief Colleary] and give her some time to address the issue. More patrols needed.

#### **WARRANTS**

<u>79</u>	<u>\$2,523,896.29</u>	<u>11/25/09</u>	<u>TOWN PAYABLES</u>
<u>80</u>	<u>\$16,245.65</u>	<u>11/25/09</u>	<u>SCHOOL ENC. PAYABLES</u>
<u>81</u>	<u>\$154,699.54</u>	<u>11/25/09</u>	<u>SCHOOL PAYABLES</u>
<u>82</u>	<u>\$48,122.89</u>	<u>11/25/09</u>	<u>SCHOOL PAYABLES</u>
<u>83P</u>	<u>\$516,715.17</u>	<u>11/25/09</u>	<u>SCHOOL PAYROLL</u>
<u>84P</u>	<u>\$293,935.20</u>	<u>11/25/09</u>	<u>TOWN PAYROLL</u>
<u>85P</u>	<u>\$436.08</u>	<u>11/26/09</u>	<u>TOWN PAYROLL ADJ.</u>
<u>TOTAL</u>	<u>\$3,554,050.82</u>		

The meeting adjourned at 8:35 p.m.

Submitted by Vanessa Hale, Assistant Town Administrator.

#### **BOS GOALS FOR FY 10 JULY 1, 2009-JUNE 30, 2010**

##### **1. FINANCIAL MANAGEMENT AND STABILITY**

- Explore health insurance alternatives
- Capital planning
- ladder truck acquisition
  - Hotel/motel tax
  - Coordinate with town moderator on reactivation of capital budget committee
  - Financial contributions from arts council i.e. Arts Center
  - Continued progress on increasing PILOT's
  - Level funded budgets v. budget reductions : how to balance budget within revenue constraints
  - Study increasing all fees that generate revenue

##### **2. PLANNING AND ECONOMIC DEVELOPMENT**

- New zoning by law

##### **3. PERSONNEL**

- Appointment of the Police Chief
- Personnel Board: Put their concerns in a report on salary & wage plan administration to the BOS, want to form more of a partnership with them,
- Identify same concerns or matters or matters of discussion with the school district management

##### **4. TOWN FACILITIES**

- Triangle project
- Police Station

-Analyze what needs to be done to buy 2-5 years in the current facility

- Senior Center
- Town House
- Evaluate future use of Arts Center & Fayville Village Hall

## 5. COMMUNICATIONS

- Meet with state legislators
- Meet with School Committee – have schools identify their budget concerns
- Meet with Personnel Board i.e. report on wage administration

## 6. LABOR RELATIONS AND HUMAN RESOURCES

- Emphasize with staff and do staff training on the following:
  - ✓ -open meeting law
  - ✓ -public records law
  - ✓ -annual management summit training
  - ✓ -ethics [mandatory] this needs a reminder that there is a December 31, 2009 deadline

**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**December 1, 2009**  
**MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

**Sign annual licenses.** Maureen Colleary, the Board's Executive Assistant, had informed Mrs. Phaneuf that all applicants had fulfilled the requirements for renewal so a motion was made, and voted unanimously, to approve and sign the licenses for: Club/All Alcoholic and Common Victualler, Retail Package Goods Stores/All Alcoholic and Common Victualler, Retail Package Goods Stores/Wines & Malt Beverage and Common Victualler, Restaurants/All Alcoholic and Common Victualler, Restaurants/Wines & Malt Beverage and Common Victualler, Public Entertainment on Sunday, Automatic Amusement Device, Seven Day Entertainment, Common Victualler, Class I Automobile Dealer and Class II Automobile Dealer as listed on pages 1 thru 4 of the document submitted this evening.

**Conservation Commission Vacancy.** The Board interviewed Christopher Molinari. Mr. Molinari is a civil engineer, has been a resident of the town for 20 years and has served the Town in several capacities. Mr. Giorlandino read a memo from Beth Rosenblum, on behalf of the Conservation Commission, recommending that Mr. Molinari be appointed to the commission. The Board voted unanimously to appoint Christopher Molinari to the Conservation Commission, to fill the unexpired term of Phil Bevins, term to expire June 30, 2010.

**Tax Classification Hearing.** Paul Cibelli, Principal Assessor, and Arthur Holmes and Tom Beaumont of the Board of Assessors met with the Board. Mr. Cibelli stated that the values have been certified but that new growth has not yet been certified by the DOR, and read the letter, dated December 1, 2009, in which the Board of Assessors recommends continuing with a single tax rate. Mr. Cibelli explained the different options and their resulting tax rates. Staying with a single tax rate will result in a rate of \$14.06 per \$1000 of valuation, which is a decrease of \$0.10 from last fiscal year. He cautioned that the decrease is due to the use of stabilization funds to offset the tax rate and stated that he expects a significant increase for Fiscal Year 2011. He also explained that the values set for Fiscal Year 2010 are based on calendar year 2008 sales and do not reflect the 2009 market. It was voted unanimously to continue the town's policy and approve a single tax rate for FY2010, with a rate of \$14.06 per \$1,000 of valuation. The Board signed the document.

**AON re: Other Post Employment Benefits (OPEB).** Held for a future meeting.

**Reports.**

Town Administrator.

- A motion to authorize the Town Administrator to publicize the winter parking ban was approved unanimously.
- Regular board meetings scheduled for January 5 and 19, 2009.
- MMA annual meeting is on January 22 and 23, 2009.
- DPW, Fire, Police and Town Administrator met re: Main Street reconstruction.
- Discussion of budget process.

Chairman, BOS.

- Letter from John Wilson, Veteran's Agent re: budget deficit.

Mr. Boland.

- Harvard University will donate \$50,000.00 over three years for the Fire Department Ladder Truck Fund.

Mr. Boland thanked all the institutions for their support.

Mrs. Phaneuf.

- There is a PILOT Committee meeting scheduled for Friday, December 4, 2009.

**Consent Agenda**

1. Approval of the minutes from the May 26, 2009, November 16, 2009 and November 17, 2009 meetings was held to the December 15<sup>th</sup>, 2009 meeting.

It was voted unanimously to:

2. Approve the MIIA Loss Prevention grant.
3. Accept a \$100.00 donation from Judith Aselbekian to be allocated to the ambulance donation account.
4. Approve FY2010 SAFE grant application fro the amount of \$3,200.00
5. Accept a \$2,000.00 donation from the estate of Douglas Bugley to be allocated to the library.
6. Accept a \$200.00 donation from Mr. & Mrs. Charles Black to be allocated to the library.

**Other Business**

1. It was voted unanimously to approve the designation changes for the Southborough Emergency Planning and Management Committee (SEPMC) as submitted by Neal Aspesi, Director of Operations, SEPMC.
2. It was voted unanimously to approve change order #2 for the Triangle Park project, in the amount of \$698.64, as submitted by Mountain View Landscapes and Lawncare, Inc.
3. A motion by Mr. Boland to set the hourly rate for Special Legal Counsel was withdrawn and the item held to the December 15, 2009 meeting, to allow review by Aldo Cipriano, Town Counsel.

Meeting adjourned at 7:20 p.m.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary

**BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**December 15, 2009**  
**MCAULIFFE MEETING ROOM**

Present: Salvatore Giorlandino, Chairman; Bonnie Phaneuf, Bill Boland and Jean Kitchen, Town Administrator.

The Board re-entered open session at 7:00 p.m.

**Discussion with Facilities Manager and DPW re:**

- **Cemetery change order.** Removed from agenda.
- **Fisher Road sidewalk change order.** Karen Galligan, DPW Superintendent, explained that water is pooling in the center of Fisher Road and that the best solution was to install a new catch basin and outfall. It was voted unanimously to approve the change order for McIver Bros. in the amount of \$6,516.80.
- **Award contract for Pressure Relief Valve replacement for Water Division.** Ms. Galligan reviewed the bids and recommends the lowest bidder. It was voted unanimously to award the contract for the Pressure Reducing Valve Replacement Project to Dankris Builders Corp. in the amount of \$112,235, with funding coming from Article 20 of the 2008 Annual Town Meeting Warrant Articles.

**Main Street Plan Update.** Karen Galligan, DPW Superintendent, and Jane Moran, Police Chief. Concerns were discussed regarding the issue of temporary parking on Main Street at the common. There will be public discussion after the concept design phase and the plan can be redesigned after that input. It was voted unanimously to support the request of the DPW Superintendent to proceed to a more comprehensive plan which will include all of Main Street.

**Flexible SpendingPlan discussion – Ken Lombardi EBS Foran.** This presentation was an informational discussion only and no final action was taken by the BOS to adopt a Flexible Spending Plan for medical needs of Town employees. Mr. Lombardi explained the concept of Flexible Spending Plans, and how they normally work.

**DPW Administrative position.** – Removed from agenda.

**Marlboro Road water diversion.** Aldo Cipriano, Town Counsel, explained that this is an ongoing dispute that was unresolved by mediation. Ms. Galligan informed the Board that Mr. Maffei, 128 Marlboro Rd, has installed an earthen berm between his property and that of Mr. & Mrs. Stanechewski at 126 Marlboro Rd. Ms. Galligan would like some time to look at this new development and see how it works, and where the water is flowing. It was voted unanimously to support the request of Ms. Galligan to continue the hearing until the January 5, 2009 meeting. Both parties agreed to the continuation and to allowing the DPW access to their properties for the purpose of assessing the situation. Mr. Cipriano reminded both parties that they are under an administrative subpoena.

**Appeal Hearing – Red Gate Lane/Flagg Road tree removal.** Mr. Boland recused himself as his in-laws are residents of Red Gate Lane. Mr. Giorlandino explained that this is an appeal of the tree warden's decision not to remove two trees. Ms. Galligan explained that National Grid, on the recommendation of a state certified arborist, would like to remove the trees to prevent damage to power lines. There is also a sightline issue and removal of the trees would solve that problem. The BOS had previously denied the removal of the trees based on information that the BOS was provided at that time. Several residents spoke both in favor and against removal of the trees. Given the fact they have more information at this time, and on recommendation of an arborist, the Board voted 2 – 0 (Mr. Boland recused himself) to support National Grid's request to remove the trees, identified as #1 and #3, on Red Gate Lane.

**Fire Dept. EMS waiver.** Chief John Mauro and Captain Hubley explained the history of the EMS waiver issue.

Southborough is the only Central Massachusetts municipality that is in the Metropolitan Boston Emergency Management Services Council (Region IV) and, as such, is held to a higher standard of staffing than the municipalities in Region II, which contains the remaining Central Massachusetts municipalities. Southborough has been informed that it will not be granted any future waivers. Chief Mauro requested the support of the BOS in appealing the decision to the Commonwealth's Office of Emergency Medical Services for the continuation of the staffing waiver. The Board agreed to sign letters in support of the appeal.

## **Reports.**

### Town Administrator.

- Should Municipal Facilities Committee seven (7) members, or go to five (5) members?
- January 19, 2010 is Election Day so the board cannot meet. Meeting changed to January 26, 2010.
- Meet with School Committee sub-committee re: budget.
- Request for street light on Sears Rd.
- Date for Management Summit. The BOS decided that the date will be Tuesday, evening, February 23, 2010, and, in accordance with past practice: (1) all Department and Committee heads subject to the jurisdiction of the BOS are required to attend, and (2) all other Department and Committee heads subject to the jurisdiction of other elected officials will be strongly encouraged to attend the Management Summit.
- Sen. Eldredge would like to meet with the BOS in February.

### Mr. Giorlandino.

- Metrowest Growth Management Committee interviewed three candidates for Executive Director and two of the three look promising. The Committee hopes to make a final decision in early January 2010.

### Mrs. Phaneuf.

- Town Planner housing strategy report.
- PILOT Committee met for the third time.

## **Consent Agenda**

The following items were held to the January 5, 2010 meeting:

1. Approval of minutes from May 26, 2009, November 16, 2009, November 17, 2009, November 24, 2009 and December 1, 2009.
2. Approval of Executive Session minutes: November 24, 2009.

## **Other Business**

1. It was unanimously voted to approve the request of Max Performance to access town roads for races on May 9, 2010 and September 12, 2010.
2. Mr. Boland made a motion to approve the requested rate increase by labor counsel Collins, Loughlin & Peloquin, P.C. to \$175.00 per hour for calendar year 2010. He noted that this rate was originally proposed by the firm when they were appointed in September 2007 before they agreed to the current rate of \$165.00 per hour. The motion failed to receive a second. Due to the current economic conditions it was then voted unanimously to request that Collins, Loughlin & Peloquin, P.C. agree to continue the relationship with the town at the current rate of \$165.00 per hour.
3. The submission of names for the School Naming Subcommittee was held to the January 5, 2010 meeting.

## **WARRANTS**

6

\$576,101.74

12/11/09

TOWN PAYABLES

87	\$19,516.00	12/11/09	CHAPTER 90
88P	\$509,547.39	12/11/09	SCHOOL PAYROLL
89P	\$306,756.17	12/9/09	TOWN PAYROLL
<b>TOTAL</b>	<b>\$1,411,921.30</b>		
90	\$112,093.47	12/18/09	TOWN PAYABLES
91	\$82,639.68	12/18/09	SCHOOL PAYABLES
<b>TOTAL</b>	<b>\$194,733.15</b>		

Meeting adjourned at 9:40 P.M.

Respectfully submitted,  
Mary H. Lowell, Recording Secretary